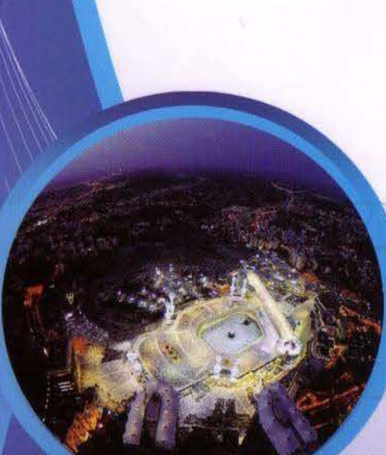
تساؤلات جدلية حـول الإسلام وتعليقات

Fifth Edition
2012

Controversial Questions About ISLAM & COMMENTS





Prepared By
Dr. Saeed Ismaeel Sieny

CONTROVERSIAL QUESTIONS

about Islam and Comments

Prepared by

Dr. Saeed Ismaeel Sieny

Fifth Edition

2012

الكتاب وقف للدعوة، يمكن نشره بأي لغة ووسيلة،

وللحصول على أحدث طبعة بالعربية أو الإنقليزية يمكن الاتصال بالعنوان التالي:

It is permissible to be published in any form or language

Without referring to the author &

to get the latest edition in Arabic or in English write to:

sisieny@hotmail.com

يطلب من:

١. مكتبة دار الفجر الإسلامية،

ص.ب. ٣٨٤٨ المدينة المنورة فاكس ٨٢٦٦٧٥٢

٢. دار الهديان للنشر والتوزيع

ص. ب. ١٥٠٣١ الرياض ١١٤٤٤

3. Al-Attique Publishers Inc. Canada

Tel: 416-335-1179,

Al-attique@al-attique.com

In the Name of Allah,
Most Gracious, Most Merciful

Table of Contents

INTRODUCTION

To the Fifth Edition

All my thanks are due to Allah who enabled me to write this book, and may peace be upon all messengers of Allah. Among the common mistakes is that some people criticize the

Divine law depending, only on the limited mental abilities of the humans in sensing things and comprehending them. Our means of hearing, seeing, smelling are so limited. Even with the use of technological extensions we are still short of recognizing countless things that we live with or among.

Therefore, it is necessary to make use of two kinds of methods of authentication: textual and logical. The textual method depends primarily on the authenticity of the chains of narrators. In the case of the Holy Quraan and the Prophetic Traditions, the chain begins from the Prophet (pbuh) down to the person who put it in writing. Meanwhile, the logical methodology depends primarily on our human senses and reasoning faculty.

When the information concerned is related to the Divine Will and commands, there is no alternative to the textual methodology. This is so because our human comprehension and reasoning fall short of passing judgment on Divine knowledge. For example, by reviewing the slow and tedious development of human discovery of the laws of nature that have existed since the creation of the universe, we will realize how limited our knowledge is. There are still endless things to be discovered by our limited tools and resources.

Still among the other common mistakes is criticizing a part of a system neglecting the other parts. This mistake becomes more serious when it concerns the Divine law.

An example of this is when some researchers discuss parts of an Islamic law stripped of their natural context, disregarding the other complementary parts. Those people are similar to a person who wonders

about the benefit of the night and darkness that arouse fear and horror and cost us much to illuminate. This person ignores or forgets that without night and darkness we cannot recognize the daytime or daylight, nor can we appreciate it.

Sometimes, we dare to quote verses from scriptures after stripping them of their proper contexts. Thus, we come up with meanings that partially or totally contradict the intended meanings of the verse. The danger of this practice becomes especially serious when the texts concerned are authenticated holy texts.

For example, some people discuss aspects of Islamic law from a secular perspective only; i.e., from a perspective that denies the existence of life in the Hereafter, or from a perspective that does not see any relationship between this temporary life and Eternal Life . In fact, this life is only a field in which to plant the fruits for Eternal Life. We occasionally harvest some of the crops in this life, but the real crop to be harvested is in Eternal Life .

Therefore, the wise person, before criticizing or evaluating a unit of a law or a system, should first acquaint himself with the function of this unit in the system as a whole and how it fits in with the other units.

Furthermore, Some people, raise questions about aspects of Islamic law, ignoring two basic facts: 1) Allah Who created the accountable beings (Jinn and Humans) knows best what is good for them. 2) The Jinn and Human's means of knowledge are limited. Therefore, they are not qualified to question the Creator's infinite knowledge and commands.

It is true that, to some extent, we can figure out some of the wisdom behind the Divine laws, but none could claim to know the logic behind every piece of the law exclusively.

Also among the common mistakes is to pass judgments on the teachings of Islam based on the practice of the Muslims, which ranges from the extreme to the completely deviated.

The main purpose of this booklet is the following:

1. To answer the most common questions raised about Islam: Its beliefs, rituals, laws, and moral values; its missionary nature; its stance on human rights; and the status of women; violence and terrorism; Islamic

law and extremism. To introduce the major issues and demonstrate that Divine teachings are not mysteries, but are in perfect harmony with the pure disposition of man and naturally guide people's moral values. However, we have to look at these laws with an open mind.

In this book the author has followed these rules:

1. To choose the most often asked questions about Islam by Muslims and non-Muslims.
2. To utilize daily life examples to explain briefly the issues under discussion.
3. To confine the discussion to the predominant opinion when there is a difference of opinions on minor issues.
4. When there is a conflict of opinion on major issues both opinions are mentioned along with their supporting evidences.
5. To exclude information not closely related to the Islamic teachings themselves.

This work is a product of my personal experience, readings about dialogues related to the religious teachings in the aforementioned topic areas and extensive studies.

Finally, I would like to extend my sincere appreciation to all who helped in producing this work, whether by their writings, comments, editing or helping to publish it, and appreciate very much any specific comment that improves the book.

Saeed Ismaeel Sieny
June 7, 2012
sisieny@hotmil.com

CHAPTER ONE

Islam: Beliefs, Rituals and Laws

Islam is a set of beliefs, rituals of worship, laws, and moral values covering all aspects of life. It is the last version of the Divine message, which was revealed by Allah[1] to all his messengers, starting from Adam through to Noah, Abraham, Moses, Jesus and Muhammad the seal (the last) of the messengers (May peace and blessings of Allah be upon them all). All these messengers invited to what realizes felicity for all human beings. Each in his own time brought suitable teachings for his people, i.e. a specific time and a group of people. Then, Islam came to be a message for all accountable beings (Jinn and Humans). Addressing prophet Muhammad, the Holy Quraan reads: {We have sent you but a mercy for the whole world.}[2]

What are the Basic Beliefs and Rituals?

The basic beliefs of Islam are based on the fact that this life is not the whole story. Is life merely the birth of some people to enjoy their intelligence or wealth, while others are born simply to suffer their stolidity or poverty? Is it so some of them become victims of others who may well escape punishment in this life? Does it mean some of them can relax with their good luck, but others must toil with their bad luck to the end of their lives? If this is what life is, then where is justice? Therefore, there must be eternal life where the final account takes place and infinite justice is realized.

The basic beliefs are constant through all Divine messages. According to the Islamic version these include believing: in One Creator for the whole universe, His angels, His books, His

(1) The word “Allah” is the unique name of God in Arabic, which does not have a plural form.

(2) Holy Quraan 21 :107.

messengers, the Day of Resurrection and the prerecording of the universe's events: the good of it and the bad.[1] The Corner stone of the beliefs is to believe in one God, Allah, and that He alone is to be worshiped. The Holy Quraan reads: {Allah forgives not that partners should be set up with Him. But He forgives anything else to whom He pleases.}[2]

In addition to bearing witness that there is no god but Allah and that Muhammad is a messenger of Allah, the major worship rituals are to perform the obligatory prayers, to pay the obligatory charity (*zakaah*), to fast the month of Ramadan and to perform pilgrimage for those who can afford it.[3] These rituals of worship are closely related to daily life activities of the typical Muslim. For example, the five-time daily prayers are required to be performed at specific ranges of time, which involves cleaning the exposed parts of one's body as a prerequisite to performing the ritual prayer. The prayer itself is composed of physical movements accompanied by mental concentration, ritual recitation of scripture and supplications, and spiritual meditation.

All these remind a Muslim of the necessity of taking care of one's time, observing cleanliness, organization, concentration in doing work and remembering one's duty towards Allah. Paying charity and fasting remind a Muslim of his duties towards his fellow men; performing pilgrimage in a specific place and time encourages communication and cooperation between the people from the different parts of the world.

It is true that some parts of the rituals are apparently similar to the rituals adoring idols, such as facing the *Ka'abah* in Mecca during prayer and circumambulating it as a requirement of pilgrimage. However, in reality, there is a great difference between rituals that

(1) Holy Quraan 2: 285; Muslim: The belief,

(2) Holy Quraan 4: 48, 116.

(3) Muslim: the belief

adore idols and those that worship Allah because:

1. The Islamic rituals, which look illogical in appearance, are direct commands of God, and performing them means complete obedience to God.
2. The rituals invented by human beings are considered deviations from the original teachings, whether they are logical or illogical in appearance.

It is note-worthy that the basic beliefs are not subject to modification at all. The rituals, in a limited sense, are subject to effect by the changes occurring to life style or the means. Among these approved changes is, for instance, for the traveler to perform two bowings in the ritual prayer instead of four, and postpone ones fast while traveling, or the permission for the sick to postpone or compensate for fasting the month of Ramadan because of illness, depending on the seriousness of his illness.

As far as the *Shari'ah* (law) that regulates the relation between people is concerned, it is more affected by the continuous changes of life styles and means. Even though after fourteen centuries Islamic law is still efficient.

How Can We Apply 14-Century Old Laws Today?

Some Muslims and non-Muslims alike may wonder how we can implement a law of 14 centuries ago today. It is a logical question if we do not have enough idea about the nature of the Islamic *Shari'ah*. But then, we also forget that human beings have written constitutions to last hundreds of years. If this is possible for humans, why is it not possible for God, Whose knowledge encompasses everything across time and space?

What is the Ruling for a Muslim Raising such Question?

A Muslim that raises this kind of question is, in fact, neglecting the very fact that a Muslim should believe that Allah is able to set societal laws to last till the Day of Judgment, just as He was able to create natural laws to last forever. Therefore, a Muslim should be

cautious not to get trapped in plain heresy or disbelief. For Allah says: {But no, by your Lord, they can have no real faith until they make you judge in all disputes between them and find in their souls no resistance against your decision, but accept them with the fullest conviction.}[(1)]

A Muslim also forgets that he has no choice to pick what he likes of the commandments of Allah and neglect what he does not. Allah says: {…then it is only a part of the book you believe in, and do you reject the rest? But what is the reward, for those among you behave like this, but disgrace in this life? On the Day of Judgment they shall be consigned to the most grievous chastisement for Allah is not unmindful of what you do.}[(2)]

Here it is important to distinguish between the following kinds of submission:

1. Complete submission, as a principle, to all that has been attributed to Allah either directly or indirectly. This submission is not subject to question at all.
2. Complete submission to the authentic texts of clear-cut meanings. This submission (or full acceptance) is also not subject to question at all.
3. Submission to a specific school of thought or a legal opinion. This kind of submission (or rather full adherence) is not a must because multiplicity or diversity of opinion is acceptable in many cases. It is only acceptable if submission is based on one's conviction, without excluding the possibility of being wrong in some cases, and that the others may be right.

A true Muslim believes that Islamic teachings guarantee felicity and peace in this life for all people and other accountable beings,

---

(1) Holy Quraan 4: 65 and see 59, 105; 3: 23-24; 5: 50; 6: 57, 107; 12: 40; 24: 47-48, 51; 42: 10.

(2) Holy Quraan 2: 85.

or for a group [1]if they were implemented by most of them. It also guaranties success in this life and in the Hereafter if a Muslim implements most of it in his life.

In other words, the effect of Islamic law is not confined to this temporary life, but includes Eternal Life. A Muslim cannot ignore this fact, because he should believe that Divine law is better than any man-made law. For Allah knows better what secures success in both lives for His creation and to maintain it.

Islamic law comprises basic rules or detailed rules that include the creatures' relationship with Allah and the relationship among the creatures. In other words, Islam is a whole package deal comprising the basics of faith, the rituals, a complete set of laws, and moral values.

Islam did not leave any aspect of life without basic rules, which go in harmony with the other rules, which points in the end to the oneness of the source of the Divine law. The basic rule usually acts as a center or axis around which revolves the secondary rules and the exceptions.

From the discussions below of the various topics, we will discover that Islam is most capable of balancing between reality and fantasy, the individual's rights and the group's rights and between the requirement of felicity in this world and in the Hereafter.

It has guaranteed, fourteen centuries ago, numerous rights for the weak, which human laws did not provide until the last century. These human laws are still struggling to keep up with Islam in this field.

---

(1) Jinn and Humans, The creatures that God distinguished by providing them with some degree of freedom to choose between wrong and right, the natural disposition along with guidance through His messengers and with the ability to comprehend and implement the provided guidance in their lives. He made this life as a test to cultivate for the Eternal Life and to enjoy within the set boundaries; i.e. made them accountable for their behavior. (Ismaeel, Prerecording.)

How does Islamic Law Relate to Reality?

It is true that people, with what Allah has bestowed on them such as: their natural disposition and acquired knowledge, can discover some of the wisdom behind the Divine teachings. But they should not dare to claim that they are qualified to recognize the wisdom behind **all** the teachings and perfectly well.

It is also true that the teachings related to the relationship between people and other creatures are subject to be affected by the changing styles of living and available means. However, because Islam is the last version of the Divine message, and is to all humanity and other accountable beings and for all times, Allah has provided it with characteristics that make it applicable anywhere and at all times.

In fact, whoever scrutinizes even some of the worship rituals will notice the phenomenon of interaction between the holy texts and reality clearly demonstrated. Among the examples is that a Muslim is required to wash his hands, face and feet, for prayer. But, in the absence of water or its scarcity, the symbolic act of patting a surface of earth and rubbing one's face and the hands will do. Also, the noon, after noon and the evening prayers are normally composed of four bowings, but while traveling, two bowing suffice. And whoever traces the revelation of the Holy Quraan or Islamic teachings in general will clearly notice the gradual introduction of the rulings. For example, it took twenty-three years to complete the Islamic teachings. Even a specific ruling may gradually come into force, such as the prohibition of drinking wine, which was done in stages because it was a very common practice.

This phenomenon is well demonstrated in the acceptable differences among the Muslim jurists. One of the other examples is the abrogation of an old ruling with a new ruling, which is more suitable to a new situation.

However, we should differentiate between the abrogation of the clear-cut ruling and refraining from implementing the ruling in

certain cases, because they do not apply. Among the well-known examples of this case is when Umar (the well known Companion of the Prophet Muhammad) protested against granting a non-Muslim a piece of land out of courtesy. This non-Muslim used to exploit a share of *zakaah* (obligatory charity) assigned to the influential non-Muslims out of courtesy.[1] The other famous case was when Umar, then Second Caliph, refrained from enforcing the ruling of cutting off the hand of the thief, because there was a public famine and stealing was done out of necessity.[2]

Umar, here, did not cancel the Islamic rulings but only refrained from implementing them because some provisions of application were lacking.

A related case was, when Umar approved changing the name and the amount of *jizyah*, which was used to be paid by non-Muslim citizens in lieu of Muslims paying *zakaah* for the public treasury and for exemption from military service in case of a certain Christian tribe.[3]

There is certainly, a difference between abrogating the ruling and refraining from its application, or modifying it to suit a special case.

Anyway, today's taxes can swallow the whole *zakaah* required from a Muslim citizen, or part of it. Likewise, what was called *jizyah,* paid by a non-Muslim citizen in an Islamic state, could be included in the required taxes. On the other hand, to avoid contradiction, as much as possible, within the official courts, Muslim scholars approve standardization of Islamic law by choosing a specific school of thought, or a certain compilation of rulings.[4]

Nevertheless, this does not mean that all judges will always reach an identical ruling in all cases, because of the relative flexibility of

(1) an-Nahwee p. 438.
(2) Musnad ash-Shafiee. Vol.1: 224.
(3) Abu Yusuf pp 129-130.
(4) al-Gasim pp. 233-273.

Islamic law in general.

Umar ibnal Khataab by taking the existing circumstances into consideration when implementing Islamic law was demonstrating the importance of interaction between the holy texts and reality. He was following the example set by Allah Who revealed Islamic law gradually.

The previous facts impose on any Islamic government that comes to power after a long period of negligence of Islamic law, to be gradual in implementing it. The fast steps will always lead to opposite results. It may also need to be lenient with the alien titles and emblems as long as the Islamic law is being implemented.

What is Behind the Permanence of Islamic Law?

Since Islam is the last version of the Divine message and it is addressed to all accountable beings (Humans and Jinn) God provided His Law with special qualities that make it applicable, regardless of differences of time and place. Among these qualities are the following:[1]

First: The basic rules are founded on the basic nature of the accountable beings such as: the spiritual component, the mental, the psychological, and the physical; and their fixed needs. For example, all creatures need a super invisible power that is able to secure good for them and protect them from evil. They all need knowledge and reasoning ability to be able to deal efficiently with the environment around them. They all need to eat and drink and have shelter in order to survive. These facts are evident in the Holy Quraan and part of the Prophetic sayings.

Second: The highly authentic texts concentrate on establishing the basic rules around which the detailed or exceptional teachings are based on or around which revolve. Examples of these rules are the importance of obedience to the Commands of Allah; establishing justice and fighting injustice and instituting marriage as the only way

(1) al-Gasim pp. 197-204.

to secure the best and fullest form of cooperation and coordination between unrelated men and women.

The changes usually touch only the style and the means, but not the basic needs of human beings.

Third: In the Prophetic traditions especially, some of the rulings were detailed as fixed rules too, for the benefit of man. They do not change, nor should be changed. They include rulings that are definitely required or forbidden. This is because we should keep changes of our style of living and means within the boundaries of the natural disposition (of human beings) that is supported by revelations. The duty of the natural disposition is to balance between the needs of happiness in this world and in the Hereafter. Without this kind of balance, success and happiness cannot be obtained or maintained. And here comes the importance of the Divine laws, which tell us what maintains the natural disposition, what causes damage to it, and what repairs its depravity, because the Creator knows best.

People with their different tastes and whims, regardless of their technological advancement, are not qualified to pass judgment on the things of which they do not have full, or even sufficient, knowledge. This is because human knowledge and man's means of perception, even concerning the material environment, are limited. Mankind's means to perceive the things that cannot be sensed by their limited senses are even more limited. No wonder man is still ignorant of countless things, although he has to deal with them everyday.

Fourth: Allah made the following as the main sources of Islamic law:

1. The Holy Quraan. It is from Allah, the content, and the wording. It has been preserved orally through memorization by several parallel chains of *Hafiz* (who memorize the whole Quraan), a student from a teacher till the chain reaches Prophet Muhammad. It was also preserved in a written form during the life of Prophet Muhammad under his supervision.

2. Prophetic Traditions. These comprise the sayings of the Prophet Muhammad, his deeds, and his reactions to things said or done with his knowledge. They are actually a set of applications of the Quraanic teachings, explanations and additions covering all aspects of life, because the Prophet himself was a father, a husband, a shepherd, a trader, a warrior, a state man etc.

These traditions were preserved orally through narrators until compiled in written forms, with varying degrees of strictness of verification procedures, depending on the scholar who recorded them. However, most of the traditions were recorded by utilizing very strict procedures of verification.

3. *Ijtihaad*. It means putting the principles into an applicable form, matching the new cases to the existing cases, and finding solutions for the new cases, which have no reference to in the Holy Quraan or the Prophetic Traditions. This is done, sometimes, by using pure logic, keeping in mind that these conclusions do not contradict the clear-cut texts of high authenticity or the basic principles of Islam. In other words, *ijtihaad* includes these methodologies: *Qiaas, Istihsaan, al-Masaalih al- Mursalah, saddi-Dharayi'and al-Istis-haab* ('analogy, discretion, public interest, …**).** All these principles depend mainly on reasoning and logic. The common law is also another source, which helps Islamic laws to be adjusted to the various localities.

These sources leave a great room for flexibility, which, in turn, enables the holy texts to interact efficiently with changing reality.

They also enrich Islamic law with acceptable multiple legal opinions that can meet all new cases, present or still to come.

This is certainly different from depending completely on the taste and whims of the true or false majority that may deviate from the natural disposition of man, partially or completely.(1) The criterion

(1) The majority can be real or false by nature because the voters do not always represent the majority of the population. Furthermore, majority can be manufactured or forged

in Islam is Divine revelations and inspirations and opinions guided by them.

4. Consensus of *Ijtihaad*. The individual *ijtihaad* gains more strength when these legal opinions gain the consensus of the scholars during a distinguished generation or period of time such as the generation of the Companions of the Prophet, the generations that followed it. Therefore, the scholars concerned with *ijtihaad* methodology list it after the Holy Quraan and the Prophetic traditions in terms of strength.

This being the case, no wonder the *Shari'ah* (Islamic law) has great flexibility sufficient to deal with the new issues and cases of life, though it is based on stable foundations that go back to fourteen centuries.

This flexibility manifests itself in many forms. Among these are the following:

1. Acceptable multiplicity in accepting or rejecting some of the Prophetic Traditions.
2. Acceptable multiplicity in interpreting some of the holy texts. However, A person without the proper tools should not tamper with interpretation of the Quraan or Prophetic traditions, because he would be, unknowingly, liable to commit gross errors. An example is a Prophetic tradition, which states that the fly has disease in one wing and medication in the other.[1] A person, out of ignorance, may say: "Why should we bother if the flies touch our food?" This person forgets that the tradition is a fact which could be used in one case when, for example, a fly falls in a cup of water, especially under conditions of scarcity of water, we make sure that both wings are dipped in the water for it to be potable. Certainly, this does not mean to generalize this fact randomly. This person also ignores that there are numerous

with the highly advanced techniques available today.

(1) al-Bukhari: bada al-khalq.

Prophetic traditions, which make cleanliness and protection of drinks and food from harmful things a must.

Related to the previous example is another prophetic tradition, which confirms that camel's urine is good medication for certain diseases.[1]

On the other hand, some may doubt these Traditions, but the question is: why do we doubt an authentic Prophetic tradition while we believe some purely human discoveries, such as the use of venom in preparing some medical products?

3. Acceptable multiplicity in diagnosing the reality.
4. Acceptable multiplicity in the way of matching between the reality and the related judgment. An example of this is whether the ruling of a bank selling goods by installment is usury, because their original business is financing, not selling goods.
5. Acceptable multiplicity in choosing the secondary sources of Islamic law, such as to accept *istihsan* (common sense or discretion in weighing the secondary sources) or the model set by the people of Medina or to reject either or both .

(1) al-Bukhari: al-Jihad and as-Siyar.

CHAPTER TWO

Fate, law of Nature, Intercultural Relations

Speaking about the basics of faith in Islam, it seems necessary to comment on some controversial questions related to the concepts of *al-gadar*, *al-qadaa, al-jihaad*, *al-walaa*' and *al-baraa*, for these concepts have been raising numerous questions. The concepts of *alqadar*, (fate) *al-qadaa* (laws of nature) are closely related to human freedom and accountability and they have puzzled religious leaders as well as philosophers throughout history. Many people use "fate" as a scapegoat for their mistakes and miseries. Still others use it as an excuse to stay useless and idle in their communities.(1)

The Concepts of *al-jihaad* (resistance), "*al-Walaa*" (guardianship) and "*al-Baraa*" (separation) are often raised when speaking about cross cultural relations or international relations. Very often they raise questions or subtle accusations of Islam justifying international laws that support the aggressive nations at the expense of peaceful nations; and encouraging hypocrisy. (2)

In general, these concepts raise the following questions:

1. Why is Man responsible for his deeds?
2. Are we responsible while our deeds are creations of Allah?
3. Can we be responsible and need the Permission of Allah?
4. Can We be Responsible if we Cannot Miss the Recorded?
5. How is accountability, reward and punishment?
6. Does Jihad mean fighting who reject Islam?
7. Does *al-Wlaa* mean support and love?
8. Does *al-Baraa* mean hatred and hostility?

Why is Man responsible for his deeds?

Man is responsible for his decisions and deeds because

Allah granted him innumerable gifts and bounties. Among these

(1) Sieny, Fate: alQada wal Qadar.

(2) Ismaeel, The Relationship between.

is man's vicegerency on Earth[1] to enjoy, maintain and invest. As a test, Allah set for him boundaries that should not be crossed, in spite of the temptation of temporary happiness, in order to win the eternal happiness in the Hereafter. Among the most prominent gifts that distinguish Man from other creatures are: reasoning faculty, guidance and relative freedom of choice.

God distinguished accountable creatures (Humans and Jinn) with a **reasoning faculty** of the highest degree to perceive things that their senses come across, distinguish between them, memorize them for long periods of time, and develop additional knowledge for instant or later use. God gave accountable creatures the ability to comprehend the religious teachings that guide them to what is good, bring success and prosperity, and warn them from what is evil and brings failure. The reasoning faculty is a great gift that demands a high price and much accountability from those granted it. No sane creature would willingly forsake this gift: to become insane, an ignorant child or without consciousness to be exempted from accountability.

Allah provided man with **innate guidance**. The Prophet of Islam said: "All is born according to the *fitrah* (natural disposition), but his parents make him a Jew, a Christian, or a Magian..."[2] Allah, also, provided man with guidance and instructions through His messengers, to remind him of his oath to worship one God and to provide him with the detailed teachings, which best suit the different circumstances on Earth.

No sane person would reject the fact that Allah granted accountable creatures a wide range of **freedom of choice** to enjoy, which enables him to choose the eternal life they decide for themselves. Allah says: {"The truth is from your Lord". Then whosoever wills, let him believe, and whosoever wills let him disbelieve. Verily, for the wrongdoer We have prepared a fire. Verily As for those who believe and do righteous deeds We shall not suffer to perish the reward of

(1) Holy Quraan, 2: 30-32.

(2) al-Bukhari: 8: 389-390; and see Muslim: 4: 1398.

any who do well.}[1] And to recognize the value of this gift let us look at the cause of any war. It is fighting for freedom, either to exploit it or to defend it.

Are we responsible while our deeds are creations of Allah?

The answer to this question is related to what is called in Arabic *al-qadaa*, its derivations and synonyms, which could be interpreted as: "laws of nature". And among the most related texts is the saying of Prophet Muhammad (pbuh) "nothing could stop the effect of *al-qadaa* except an accepted prayer"[2] and the story told by him about the three men who were trapped in a cave to which the entrance was blocked by a boulder. They managed to move the heavy boulder from the entrance enough to get out by resorting to prayer alone[3] Another prophetic tradition says: "If there is anything that could precede *al-qadaa* in a race it is the evil eye."[4]

The word *al-qadaa* in the major Islamic sources has two meanings:

1. The decree of a guiding nature, which could be violated by man by exercising freedom of choice.
2. The divine command that has an immediate effect. **An example of** this is God's command to fire {We said: O fire be coolness and peace for Abraham.}[5] The result was that fire became cool immediately. This fact is stated clearly by the verse that reads: {When He decrees a thing, He says to it only: Be and it is.}[6] So, *al-qadaa* could be the direct decree of Allah, or the laws of nature, which Allah created to be composed of a **cause** and **an immediate effect**. The created is not accountable for the imminent result, but rather for choosing its cause.

An example of laws of nature is to throw a stone up ward just

(1) Holy Quraan, 18: 29.
(2) at-Termithi: al-qadar, ma Jaa.
(3) Muslim: 4: 1432; Madani Abbasi, Riyadh-us-Saleheen, Hadeeth No. 12.
(4) Ibn Qayyim, at-Tib, narrated by an-Nasaei; and see: Ahmad: 3: 117, 184.
(5) Holy Quraan, 21: 69.
(6) Holy Quraan, 2: 117.

above your foot (a cause) to fall on your foot (a result) i. e. gravity. This result will not change till you employ another natural law such as: moving your foot from its place or pushing the falling stone away.

Allah created and runs the Universe by His direct command and by laws of nature that He sets in place to form an unimagined network of perfectly automated systems.

The laws of nature differ in terms of power and comprehensiveness of effect. Fire, for instance, can make water evaporate but water can put fire out. In spite of the importance of heat and its sources, Allah made water essential for the life. Allah confirms: {We made every living thing of water.}[(1)]

To elaborate more, let us take a sample of an automatic system. There was a watch that operates, without manual winding, batteries or any other external source of energy. It operates automatically because it has two springs. When one spring becomes loose the other spring tightens and vice versa. This continuous movement provides the different gears with energy, to systematically, move the indicators of time (hours, minutes and seconds) and date (year, month, day). As long as the watch is operating we can be sure that one of the springs is loosened gradually while the other is being tightened, without looking inside. You can also predict that the hour hand which is indicating 1:00 am, after sometime will indicate 2:00 am...etc. i.e. knowing something that will take place in the future. We notice that the manufacturer, who invented this watch, will eventually loose control over it. However, Allah maintains His control over all what He creates.

It is true that Allah is who created the Universe including the human beings, and his actions, as Abu Haneefah assures: "If the actor is created by God, for sure his deeds are creations of God".[(2)] This fact does not mean that Man is accountable for creating his deeds from nothing, rather he is accountable for his choosing a specific cause from the

---

(1) Holy Quraan, 21 30.

(2) Abu Haneefah, al-fiq-h p. 39.

available causes that have imminent results.

The following example may explain the role of Man, and how accountability is justified. Assume that a teacher wanted to test his students' diligence in utilizing the available information, time and facilities. He came up with a test that can detect the various levels of diligence that range from zero to 100%. To make the test easy he chose the multiple-choice form. In other words, to every question he made a set of answers ranging from the best answer to the worst answer.

The teacher is the one who made the questions and the answers, but he loves some of them, approves others, and detests others. The student's task is only to choose among the available answers to deserve reward or punishment. Although the teacher provided all possible answers in the test, it is the student who made the choice. The teacher is not to be blamed, but rather deserves complement for his proficiency in designing the test.

Can we be responsible and need the Permission of Allah?

Allah has granted Man relative freedom of choice to be accountable for, but man cannot do anything without the permission of God. Allah says: {And you will not unless (it be) that Allah wills it.}[1] Then how can Man be held responsible for what he does? If we agree that Allah is the one who created the accountable creatures and their abilities and gave them all the gifts, including the faculty of reason, guidance, and freedom of choice, then we should agree that Allah could take any of these back at any moment. However, if He lets His creatures use them, and they misuse them, they are held responsible for that.

To remove the confusion more, let us look at this analogy. Assume you have a child who can comprehend instruction (**reasoning faculty)**. You put before him a dish of food and a toy that has germs. You explained to him that the food is good for his health and the toy is harmful (**guidance)**. Then you gave him freedom to make his own choice i.e. (**relative free will)**. The whole situation is still under

(1) Holy Quaan, 81: 29.

your control because you can interfere at any moment to force him to act against his will. However, if he chooses the toy and becomes sick, he is to be blamed, for this is the price of freedom of choice that we all chant about, fight and live for.

Can We be Responsible if we Cannot Miss the Recorded?

The word of "*al-qadar*", its derivations and synonyms appear in many sacred texts, including the answer of the Prophet Muhammad (pbuh) to Gabriel's question: "What is *Ieeman* (basics of Faith)? The Prophet answered: "To believe in Allah, His angels, His books, His messengers, and the Day of Judgment; and to believe in *al-qadar*: the good of it and the bad."[(1)]

In general, there are two meanings for this word: 1) a meaning which is equivalent to *al-qadaa* (the laws of nature). 2 Adescription of reality that occurs in the future or a prediction of something unknown, but recorded in a book from the absolute knowledge of God. Abu Haneefah explaining said: "It was recorded as a description, not as a decree".[(2)] In other words, Allah did not decree that a creature does so and so, but He had commanded the pen to record what his creature will do in his life time, from the Knowledge of Allah that is not limited by time, place or limitations of the senses.

It is a fact that human knowledge is limited by **time** i.e. to perceive things gradually. For example, if a person wanted to know the form of a piece of paper, he has to look at each face separately, and needs some time. In general, we can distinguish between four types of human knowledge:

1. The knowledge that he acquired in the past, which is subject to loss or distortion.

2. The knowledge that he is acquiring now (in the present time), which is supposed to be the most vivid. It is, also, a relative matter, for instance, an existing result of an exam to the teacher who corrected the exam is at present time, but to the student is an unknown future.

3. The knowledge, which will be acquired in the future, when it

(1) Muslim: vol. 1: 3-5.

(2) Abu Haneefah, al-fiq-h p. 39.

becomes a present.

4. Imaginations of things that could happen when the required circumstances exist.

To the knowledge of God, everything is present, no past or future or possibility.

It is also true that human knowledge is **limited by place**. For example, the one looking from a higher place sees more things than the one looking from a lower place. Also the one standing at an intersection sees more than the one standing on only one street, away from the intersection. It means, some of the things can be seen by the first and have become part of his knowledge, but to the other they do not exist or they are speculations.

On the other hand, the knowledge of Allah is not limited by place or location. There is nothing, which is hidden behind another, rather everything is present and his knowledge encompasses all.

A human's knowledge is restricted by his **limited means of** acquiring knowledge. In fact some insects and animals have superior senses than man. The sharp eyesight of a cat in the dark is well known, and the sharp sense of smell of a dog is also common knowledge.

On the other hand, the knowledge of Allah is not restricted by limited senses. He is perfect in everything. Allah says: {And you (O Muhammad) are not occupied with any business and you recite not a portion of this (Scripture) and you (people) perform no act, but We are Witness of you when you are engaged therein. And not an atom's weight in the earth or in the sky escapes your Lord, nor what is less than that or greater than that, but it is (written) in a clear book.}[1]

Al-qadar is but a perfect and accurate record of everything that occurs in the universe, recorded from the knowledge of Allah which is not limited by the factors of time, place or the limitation of senses. It is not a decree, which cannot be violated, but a perfect record, which is not subject to mistake. From this fact came the belief that:

(1) Holy Quraan, 10: 61.

“caution does not prevent *al-qadar*, or “no one can escape fate\ predestination” (*al-qadar i.e. what has been pre-recorded)*.

An example of this at the human level is that you collect complete information about the trip of your friend and his activities during the trip, and record them before he embarks on his trip. If everything occurs as it was recorded, can we claim that you forced him to do what he did?

The true believer is sure that Allah is just towards his creatures, for He says: {Whoever does right it is for his soul, and whoever does wrong it is against his soul. **And your Lord is not at all Unjust to His slaves**.}[1] These words of Allah are very clear, capable of removing any vagueness of other related texts in the Holy Quraan or the Prophetic traditions.

How is accountability, reward and punishment?

A Muslim, firmly, believes that Allah has distinguished the accountable creatures (the Humans and the Jinn) by granting them special gifts and providing them with innumerable bounties. In other words, Allah made them responsible for these gifts, to enjoy, maintain and invest for their benefit.

So, it is natural that they are held accountable for these great gifts, and to be subject to a fair and a well-designed test, in order to be rewarded or punished accordingly. For this temporary life in which we live is, mainly, the testing period, and the eternal life is the time for rewarding or punishment. The gifts and calamities are but hard currencies, which should be well invested during testing time, in order to gain great fruits in the eternal life. If a person exploits the gifts for the Hereafter, without forgetting his share in this life, as Allah Has commanded, he deserves great rewards. And if he preserves patience against the calamities as Allah encourages he will be rewarded too.

The difficulty of this test stems from the fact that some of the temporary present enjoinment is encountered by the delayed eternal enjoinment in the Hereafter. Therefore, the accountable creature has to,

(1) Holy Quraan, 41: 46.

sometimes, sacrifice the pleasure, which is present but temporary, to win the pleasure, which is delayed but eternal. Furthermore, prophet Muhammad (pbuh) confirms that: "The Hell-fire is surrounded by all kinds of desires and pleasures, while Paradise is surrounded by all kinds of disfavors and aversions."[1] Therefore, the clever creature has to control his whims and exercise enough patience with obstacles and difficulties to be among the winners in the grand test. He must be ready to challenge Satan and his supporters with their tempting means represented by the temporary enjoinments. For all the pleasures of this life are lesser to Allah than a dead goat or a fly's wing.[2]

The accountable being, also, has to choose between the bitter truth, whose supporters are less in number and the sweet falsehood whose supporters are greater in number.

However, accountability is based on the efforts one extends divided by the natural and the acquired gifts in his possession. Let us take, for example, two individuals: a person who at the end of his measurable life became a Muslim, and a person who was born as a Muslim who was privileged and long lived. Both have **equal opportunity** to compete for eternal felicity, if both do his best.

This life is similar to the period assigned for a school test, with some differences. The student knows the allotted time for the test, and has the right to terminate his test at any time. However, the time assigned to this life is unknown, and the one who is being tested cannot terminate his test at any time he wishes. Perhaps this is what justifies that the reward or punishment is eternal, and the smallest effort counts to decide the destiny of an accountable being.

A person may wonder about this fact, which was confirmed by the Prophet who said: "A person may do deeds of the people of Paradise while in fact, he is from the dwellers of Hellfire. Similarly, a person may do deeds of the people of Hell while, in fact, he is from the dwellers of Paradise. Verily, the deeds depend upon the

(1) al-Bukhari, 8: 327.

(2) Ibn Maajah v2:1376.

last action."[(1)] So, the final deed is important and sometimes it is vital. To clarify this point let us consider this example, at a human level.

Assume, that you are a teacher correcting the answers of a student, who answered most of the questions correctly, but then crossed them out and wrote a few wrong ones. What will you do in this case? Will you give him grades on the crossed out answers or on the final answers?

As is the case with all tests, there is a critical point that discriminates between those who will succeed from those who will fail. This critical point is clearly stated in the Holy Quraan, for Allah says: {God never forgives that partners are associated with Him; but He forgives anything else to whom, He pleases. To set up partners with Allah is to devise a sin most heinous indeed}.[(2)]

In fact, Allah is the Most-Forgiving, and Merciful in judging his creatures. He postpones their punishment and grants them countless opportunities to repent, to the very last moment. Allah may forgive the cardinal mistakes of man as long as he does not worship anything else with Him, and may convert his punishments into rewards, but no guarantee for any one. Therefore, the accountable being should do his best to save himself from Hell and to win Paradise by doing what Allah commanded him to do, avoiding what was forbidden, and doing as many as possible of the deeds loved by God. The reward in the Hereafter is so great that all our good deeds do not suffice to deserve them. So, the punishment in the Hereafter is great for those who show ingratitude, ignore all reminders and waste all opportunities of salvation. The Prophet (pbuh), describing Paradise said: "God says: 'I have prepared for My pious servants things which have never been seen by an eye, or heard by an ear, or imagined by a human being,'"[(3)]

Concerning the least form of punishment the Prophet said: "The person who will have the least punishment from amongst the Hell

(1) al-Bukhari, 8: 330-1.
(2) Holy Quraan 4: 48, 116.
(3) al-Bukhari, 4: 306-7.

people, on the day of Resurrection, will be a man under whose arch of the feet a smoldering ember will be placed, so that his brain will boil because of it."[1]

It is also natural that the rewards and the punishments vary greatly in size and intensity to be suitable for the different degrees of accomplishment and violation.

Does Jihad mean fighting who rejects Islam?

This concept of Jihad contradicts the correct meaning of the word in Arabic: jaahad, (resisted) yujaahid (resist). As we all know resistance is usually is a continuous reaction triggered by a preceding action. It does not mean to initiate attack.

In fact this concept of Jihad is rejected by common sense. Therefore, it was natural for Muslims (scholars, common people and officials), to protest the accusation that Islam was spread by sword i.e. initiating war against those who reject Islam, regardless of their way of rejection.

Furthermore, in Islam, fighting those who reject invitation to our faith, contradicts Divine and cultural and international laws.

For example, this understanding of jihad contradicts numerous plain verses in the Holy Quraan such as {There is no compulsion in religion. The truth stands out clear from error.}(2) It also contradicts countless verses confirming that the duty of the Prophet is only to convey the message. Among these are: {But if they are averse We have not sent you as a guard for them. Yours is only to convey the message}, and {But if you deny, [people of Mecca] then nations have denied before you. The Messenger is only to convey the (message) plainly} and {If your Lord willed, all who are in the earth would have believed together}.[2]

It, also, contradicts the authentic prophetic traditions such as the comment of the Prophet when a captive woman held a child tight and breast-fed him: "God is more merciful towards His creatures than this woman towards her child."[3] It also contradicts the sincere concern of the Prophet for the unborn generations of the very hostile disbelievers to

(1) al-Bukhari: 8: 368; and see ibnal Atheer vol. 10: 512-20.

(2) al-Bukhari: 8: 368; and see ibnal Atheer vol. 10: 512-20.

(3) Holy Quraan, 2: 256.

become Muslim. When the Angel of Mountains asked the Prophet if he wanted him to turn the two mountains on them his answer was: "No. I hope some of their late generations will worship Allah alone."(3)

Keeping in mind this kind of mercy of Allah towards his creatures and this kind of concern of his Messenger for the unborn generations makes it impossible to imagine that Islam would approve fighting those who reject it for themselves. As fighting them may hasten their death and deprive them of the opportunity of becoming Muslims later in their temporary lives to be saved in the eternal life.

Furthermore, it is a common fact that only the powerful nations can enforce their ideologies and faith upon others, therefore the All Wise, Allah, would never legislate an international law that would give the aggressive nations the power to impose their ideologies upon the peaceful weaker nations.

In order to perceive the falsehood and danger of this understanding, it is sufficient to look at the matter from a different perspective, that of those who are not convinced with others' faiths. This justification entitles others to declare war against our own faith! So, it is an understanding that contradicts common sense and logic."

Does al-walaa mean love and support?

The core meaning of *al-walaa* and its derivations is for someone to have authority over another i.e. guardianship. It is pronounced *mawla* or *wali* for either party: the person providing guardianship and the one receiving it. Furthermore, concerning the essence of the meaning there is no difference between *w**i**laayah* and *w**a**laayah*.[1]

In general we can distinguish between the following major categories of *walaa*:

1. The *wilaayah* for Allah alone, which means the sovereignty of Allah over his creatures and the universe. He is the Master, without his permission none can help or harm another. This mastership can be accompanied with care when the context indicates that.[2]

(1) Ibn Manzoor, Lisanul Arab; Anees et.al. *wali*, *al-muwaalah* and *mawaaliya*.
(2) see Holy Quraan, 13: 16;11: 20,11; 9: 71; 45: 19; , 47: 11; 6: 127; 5: 55 .

2. The *wilaayah* between the creatures, which could be voluntary and mutual, where two parties have taken each other as guardians, or it could be a one-sided trust.(1)
3. Non-voluntary *wilaayah* between creatures, which exists without the direct choice of the parties involved. It could be imposed by an inherited quality as the one between father and son, or by an acquired quality as the one between husband and wife.(2)

The word *wilaayah*, certainly does not include love **المحبة** or support **نصرة**. Allah says: {Those who believed and adopted exile and fought for the Faith, with their property and their person, in the cause of Allah as well as those who gave asylum and aid, these are guardians and trustees of each other. As to those who believed but did not come into exile **you owe them nothing of the rights of guardianship** until they come into exile. **But if they seek your aid in religion, it is your duty to help them** except against people with whom you have a treaty and Allah sees all that you do.}(3) The verse verifies the existence of a situation between two groups of believers where no rights of guardianship are due between them. i.e. between the independent Muslim majority and a Muslim minority living with a non-Muslim majority. However, if the minority requests help, the independent group should extend their help, within the prescribed provisions. This means that *wilaayah* (guardianship) and support are completely independent things. Love between Believers is a must, all the time. So, if love is a part of *wilaayah* then denial of *wilaayah* completely means denial of love completely which does not make sense.

The Prophet supporting this fact said: "Guardianship is for whom frees the slave"(4) i.e. he has some authority and right over the freed slave. *Al-walaa* here is to guarantee one person's right to guardianship of another person, and does not entail aid

(1) Holy Quraan, 3: 174; 4: 76; 7: 30.
(2) Holy Quraan, 2: 282; and see 16: 76; 33: 6.
(3) Holy Quraan, 8: 72. And see 2: 107, 120; 4: 45, 75, 89, 123, 173; 9: 74; 22: 78;29: 22; 33: 17; 65; 42: 8, 31
(4) al-Bukhari, 3: 428, trans, Khan.

or love between them. Furthermore, *wilaayah* does not include intercession,[(1)] protection,[(2)] guidance [(3)] or being a close friend.[(4)] By reviewing the Prophetic Traditions we will reach the same conclusion.[(5)]

All verses in the Holy Quraan, perceived within their proper contexts assure that the forbidden *wilaayah* is confined to the non-Muslims who are hostile to Islam or Muslims because of their religion. Furthermore, absence of *walaa* does not mean hatred or hostility. It, also, does not mean absence of all kinds of love, or cooperation. Islam encourages any effort to build friendly relations between human beings and any form of legal cooperation to secure mutual interests. Islam permits Muslims to help and to seek help from the others, which include exchanging useful knowledge and experience as long as it does not negatively affect the destiny of the Muslims in the eternal life.[(6)]

Does al-baraa mean hatred and hostility?

The essence of the word *al-baraa*, and its derivations lies in the word "separate" i. e. to separate something from another, such as an accused from accusation, an indebted from his loan, or an invention or creation from the original form.[(7)] It could mean to separate a person from a thing, or a person or a group from another person or a group. The separation could be a mutual act or a one-sided.[(8)]

The word *al-baraa* in the phrase "*al-braa from a belief*" does not necessarily impose *al-baghdaa* (hatred), or *al-'adaawah* (hostility) towards who hold that belief. For Allah specified "*albaraa* from the actions" of either party, in the following verse: {And if they deny

(1) Holy Quraan, 6: 51; and see 6: 70.
(2) Holy Quraan, 13: 37.
(3) Holy Quraan, 18: 17.
(4) Holy Quraan, 22: 13.
(5) see for example the word "wali" in Wensinck.
(6) Ibn –Taymiyah, Fatawavol.4: 114-116; Ibnal Qayyem, Ahkaam pp. 277-400; Ismaeel, The Relationship pp. 85-16; Sieny, Muslim pp. 31-39.
(7) See for example: Ibn Manzoor, the word *Baraa*; Holy Quraan, 3: 49; 4: 112; 2:54; 26: 216; *"baraa"* in Wensinck.
(8) Holy Quraan, 2: 166-167; 8: 48.

you say: To me my work, and to you your work. You are innocent of what we do and I am innocent of what you do.}[1] The following verse assures the independency of two decisions: absolving from responsibility of an action and absolving from responsibility of its actor. It reads {there is a goodly pattern for you in Abraham and those with him, when they told their folks, Lo! We are برءاء guiltless of you **and** all that you worship beside God.[2]

The remaining part of the verse reads: {…And there has arisen between you and us hostility and hate forever until you worship Allah alone…}.[3] Here, we notice that hostility and hatred came in an additional sentence. Not only that but hatred was added to hostility, as an independent attribute i.e. the existence of one does not necessitate the existence of the other. This is so because hatred could exist without being translated into behavior; and a hostile behavior could happen unintentionally or for teasing purpose. Furthermore, we notice that Prophet Abraham was only announcing the mutual hostility and hatred, which was started by the disbelievers. For, they did not confine themselves to rejecting his call, but took a hostile position and hated him and the believers. Therefore, this kind of relation will automatically suspend if the disbelievers change their position and worship Allah alone.[4]

Anyway, we should not over look the verse, which reads: {It may be that God will ordain love between you and those of them you are at enmity. God is Mighty, and God is Forgiving, Merciful.}[5] The verse left the reason for reconciliation open, not confined to becoming believers.

For Islam considers the original relationship between people of different faiths or different versions of the Truth a peaceful one, and those who believe that their way represent the Truth should make an effort to save others. At the least, Islam encourages them to maintain

(1) Holy Quraan, 10: 41.
(2) Holy Quraan, 60: 4.
(3) Holy Quraan, 60: 4.
(4) Holy Quraan, 60: 4.
(5) Holy Quraan: 60: 7.

a peaceful relationship, and each group has its religion. For example, Allah blaming Prophet Muhammad for feeling pain because his uncle did not accept Islam says: {Lo! You (Oh Muhammad) guide not whom you love, but Allah guides whom He will. And He is best Aware of the guided ones.}.[(1)]

Regardless of difference of faith, feelings between people fall into these categories: innate love, stemming from natural relationship (father and son) or an acquired love (husband and wife, mutual friendship), or natural appreciation (one party doing favor to the other). The difference could be a result of lack of understanding from one side or insufficient persuasive effort on the other.

Thus it becomes clear that the absence of *al-walaa* (guardianship) does not mean the existence of *al-baraa* separation, enmity or hatred. Not only that but there are different varying degrees of *al-walaa* and *al-baraa*.

These facts go in harmony with the basic rule of the relationship between Muslims and non-Muslims as defined by God: {Allah does not forbid you from those who did not fight you and did not drive you out of your homes, to deal with them justly or to do them favors, for Allah loves those who are just.}[(2)]

A person who claims the possibility of joining enmity with doing favor at the same time is trying to mix between two opposites: a hostile behavior with extending a favor to a single person at the same time, which is impossible. And the person who claims that Islam rewards feeling hatred towards a person but at the same time treating him very nicely accuses Allah of encouraging hypocrisy! Naturally hypocrisy is rejected by human nature and pure logic, and Islam is the religion of natural disposition and does not contradict pure logic.[(3)]

(1) Holy Quraan, 28: 56.

(2) Holy Quraan, 60: 8 and see 9.

(3) Ibn Manzoor, Lisaanul Arab; Anees et.al.; Holy Quraan, 60: 2.

CHAPTER THREE

The Missionary Nature of Islam

There are groups who consider their way as the best to realize felicity in this life and in the Hereafter, but do not care to share it with the others. There are others who see their way to be the best to secure happiness for human beings in this life, and are ready to compel the others to adopt it. And there are still others who believe that their way is the only way to secure felicity and peace for human beings in both the temporary and Eternal Life. They also care for the others as much as they care for themselves. So they are eager to share their way with the others, but without trying to compel anyone. Muslims belong to the last group.

Why Do Muslims Propagate Islam?

Muslims propagate Islam because Allah commands them to do so, but without compelling any one. In fact Allah commands them to invite the others nicely for the Holy Quraan reads: {Invite to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best.}(1) Muslims believe that Islam is a complete set of beliefs, rituals, laws, and moral values. It cares for the good of all people and forbids monopolizing Divine guidance that saves Humans and Jinn in the Eternal life.

Therefore, Muslims are concerned with realizing the comprehensive peace and prosperity for all mankind (and any other accountable beings) in this mundane life and in the Hereafter.

Peace, as most of us know, means to grant every adult the opportunity to work for his or her own happiness without interference from the others, except in trying to help him or her to achieve what he wants or something better, but without compulsion. This is so,

---

(1) Glorious Quran, 16: 125.

because the original rule of dealings between adults is that they are all equals; the relation is not a relation of a guardian to a ward.(1)

At the same time, Islam considers every adult: male or female, free in this world to make his or her choice of faith, but to expect the consequences of his or her choice in the Hereafter. Allah says: {there is no compulsion in religion. Verily, the right path has become distinct from the wrong path.}(2) And it also reads: {every person is a pledge for what has earned.}(3)

However, when a person chooses to be a Muslim, he or she enters into a life-long covenant with Allah, and he or she has to commit his self or her self to what Islam has made compulsory to do or to avoid. Otherwise, he or she exposes himself or herself to punishment and to be deprived of the great rewards promised in this life and in the Hereafter. We can compare this to a person who willingly accepts to be a citizen of a certain country. It then becomes incumbent on him to abide by the laws of that country. He should do what he is required to, and he gets what he deserves. There is only one big difference between the two; he could be expelled from the country, but no one can deprive a person of being Muslim against his own will.

What about Non-Muslim Missionary Activities?

Some Islamic countries forbid missionary activities of other faiths or ideologies because of two major reasons:

1. The whole citizenship, or the majority, is Muslim and have chosen Islam as their way of life, to secure felicity in this life and in the Life Hereafter. This means:

    a) To believe in the Creator for the whole universe, Allah,

(1) Ismaeel, The relation pp. 107-112.
(2) Holy Quraan, 2: 256.
(3) Holy Quraan, 74: 38.

glorified be He.

b) Allah alone deserves to be worshipped. He is the First who created everything and He is the Last who remains after everything.(1)

c) All creatures can communicate with Him directly.

d) Allah distinguished the Jinn and Human beings with abilities, such as the faculty of reason and relative freedom, and provided them with guidance in the form of the natural disposition of man and the Divine messages through God's messengers. Therefore, they have to account for their deeds in this temporary life and to reap the fruit thereof in the Hereafter, where there is only Paradise or Hell-Fire.

e) It is necessary for the accountable beings (Jinn and Humans) to obey the commands of Allah; i.e. to do what they are commanded to do and to refrain from what they have been forbidden.

Thus, it becomes clear that current religions and ideologies contradict the Islamic religion in one or more principles. Promotion of these religions or ideologies threatens the security of the Muslim citizens, not only in this life but also in the Hereafter.

2. A great percentage of the citizens are not adults, and the government is responsible for their safety, including their fate in the Hereafter. But those who live outside their countries, whether they represent themselves or represent their governments, the governments do not prevent them from exposing themselves to the alien faiths or ideologies. In fact, the adults, who are qualified to expose themselves to these religions and ideologies, are often helped to study them.

This law is actually in harmony with the international codes

(1) Holy Quraan, 4: 48, 116; 57: 3.

concerning cultural rights, which grants the parents or the guardians the right to choose the type of education for their children.(1)

It is natural that some governments prevent some activities because, from its own point of view, they are dangerous activities that undermine the internal security of the country, even when these activities endanger only the temporary life of the citizens. This kind of law, which is approved by the “democratic” systems, becomes more critical if these activities endanger not only the temporary life, but also the Eternal Life of the citizens.

In fact, as long as these laws do not pose any imminent threat to others, they are in harmony with the Charter of the UN, which emphasizes the independence of its members, and protects it.

Aside from the law that prohibits missionary activities, all Muslim countries, one way or another, permit non-Muslims to practice their faiths and to apply their civil laws, provided that these laws are not in a sharp conflict with the laws chosen by the majority and does not endanger the security of the country. This common practice by Islamic countries is derived from Islamic law, which also gives a special status for the area occupied by the Kingdom of Saudi Arabia, the host of the two holiest cities to all Muslims in the world.(2)

What about Practicing other Religions in Saudi Arabia?

Why other faiths cannot practice their religion **openly** in Saudi Arabia (in the form of official places of worship)? To discuss this issue, we have to establish certain facts, including the following:

1. To be affiliated to the UN does not mean that the member states should give up their faiths or local laws or traditions, as long as

(1) the Human Right Resolution, article 26: 3; International Agreement referring to the Economic, Social and cultural rights 13: 3.

(2) for example see: Sieny, Muslim non p 20-24.

the member does not enforce them on the other nations. Therefore, all nations reserve their rights in these matters, including the "democratic" countries. The Charter of the UN reads:

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.[1]

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.[2]

2. According to the democratic secular principles, the minority cannot impose its laws on the majority.
3. Foreigners are not eligible to vote, because they have their rights in their own countries. In fact, their residing in a foreign country is based on a mutual contract between them and the government of the foreign country, which has issued them the visa. No party has the right to demand anything that is not mentioned explicitly or implicitly in the contract after the contract has been signed. And all local laws are included under the implicit provisions. This is to say that, before signing the contract, each party has the freedom to accept or reject the provisions of the contract, and no party can force the other party to accept his conditions without the other's consent. So the foreigner, before accepting the visa, has to weigh the benefits that he will get from entering the country and those conditions, and then decide to accept it or quit.

---

(1) The Charter of the United Nations, article 1: 2.

(2) The Charters of the United Nations, article 2: 7. Article 7 is concerned with threatening the international peace and how to deal with it.

After concluding the contract, the foreigner has to respect the local values if he enters the country. This is a common practice and a natural one, even among the democratic countries. As examples we can quote the following:

1. If a child was born to a foreigner in the USA, this child cannot enter the USA without an American passport, although this may expose this child and his parents to punishment by their own country. However, this child or his guardians can choose not to enter the USA, and no one can force them to do so.
2. Most of the countries, if not all, distinguish between different types of visa that have different kinds of restriction: student visa, tourist visa, business… etc.
3. Many Muslim minorities live in non-Muslim countries where they cannot apply some very basic parts of Islamic law. Because Islam is a practical religion it relieves those Muslims of applying these laws. Among these laws are: capital punishment, cutting off the hand of the thief and lashing adulterers. In fact, Islam encourages these Muslims to be good citizens of high moral values.

If this is the case of a citizen who belongs to a minority in his own country, then it is natural for a foreigner to abide by the local laws during his stay in a Muslim country till the termination of the contract. After all, he has the right to choose between entering the country or not, and no government can force him to do so.

Regarding the diplomats, and the officers, they are usually, of different faiths and sects and change from time to time. Besides, their commitment to their faiths ranges from weak to strong. Therefore, they are permitted to practice their faith and to observe their rituals in their private places, which are protected by diplomatic conventions. In addition to that, diplomatic conventions call to mutual respect of the national laws.

The people of the Kingdom of Saudi Arabia, which hosts the holiest Islamic cities in the world, has chosen the Islamic package of laws, and this law prohibits openly practicing two religions or more in the Arabian Peninsula.(1) Therefore, it is the responsibility of the Saudi government to implement this law. This law also includes the prohibition of a non-Muslim's entry into Mecca, the holiest city in Islam, which Muslims all over the world face when performing their five daily prayers and where they go to perform their pilgrimage.

This is also not unusual because we often run into signs of "no entrance is permitted for the unauthorized" or the like in buildings of public or private organizations in "democratic" countries and non-democratic ones. These signs are sometimes made for security reasons, to prevent disturbance, or, as in the case of Mecca, to protect the sanctity of the City. Therefore, it is natural for the unauthorized persons to respect the will of the institution concerned.

Even demanding equal treatment in this matter is a violation of personal freedom. You cannot demand that a person let you in your house because you have willingly decided to let him into your own house. By doing so you are neglecting the fact that, in this matter, everyone is free to do what suites his or her circumstances or is comfortable for him or her. However, if you invite me to your house, provided that I invite you to mine, then I have the choice to accept or to rejec.

(1) Muwataa Imam Malik, Book of Jami'.

CHAPTER FOUR

Human Rights in Islam

Allah distinguished humans with many qualities. The Holy Quraan reads: {We have honored the sons of Adam by providing them transport on land and sea, giving them for sustenance, things good and pure, and conferring on them special favors above a great part of Our Creation}.[1] Among these honors is to make Man as a vicegerent on Earth[2] and endow him with the freedom to enjoy its good things and to invest them for the benefit of his life in this world and in the Hereafter. In other words, he has to maintain the Earth, develop it and establish justice on it.

God created all humans from a single source; i.e. dust[3], and caused them to multiply from a single male and female. Therefore, the Prophet said that there is no superiority of an Arab above non-Arab, or vice versa, and there is no superiority of a red person over a black one, or vice versa, except with piety. This concept, however, differs from the exaggerated concept of absolute equality.

Among the favors conferred on man is creating him in the best mold[4] and commanding his parents to give him a good name and celebrate his birth. Islam also made it compulsory for his parents to educate him well, to prepare him to attain felicity in the temporary life and in the Eternal one. Islam also conferred on him many rights from his community.[5]

What is the Islamic Concept of Justice and Equality?

Islam differentiates between justice and equality, because it considers justice as an absolute concept, but equality could be

(1) Holy Quraan 17: 70.
(2) Holy Quraan 2: 30; 33: 72.
(3) Holy Quraan 3: 59.
(4) Holy Quraan 95: 4.
(5) Al-Anani pp. Sieny, Political education.

relative or absolute. Only when it is relative can it be equivalent to justice.

God created human beings and distinguished some of them with better natural gifts, such as intelligence, and better chances to acquire acquirable gifts, such as wealth or dedication or sincerity. This distinction is to facilitate the complementary and competitive relations between different groups. In the light of the Divine system of accountability, this does not mean exclusion of justice. For absolute equality is different from justice. In fact, sometimes it contradicts justice.

An example of this is the equality between the diligent and the lazy, the sincere and the insincere, the intelligent and the dull, the father and the son, the teacher and the student, or the citizen and the non-citizen. This is why we have tests and contests, the legal ways of distinction between people. For the same reason, it was necessary for some to obey others. Without this arrangement, communities, countries, and the universe itself cannot survive, regardless of whose perspective it is, the secular or the religious.

On the other hand, the opportunity for improvement in the area of the innate gifts is limited, but the opportunity for improvement in the area of the acquired gifts is wide open. Nevertheless, in both areas, the more gifts one has, the greater his responsibility towards himself and the community at large.

Only relative equality can be equivalent to justice, because justice means to give everyone what he or she deserves or what is suitable for each person.

Just or fair equality is also to judge a person according to his accomplishment or his effort in the light of his innate gifts.

Justice in Islam also means that there should be sufficient reward and punishment, and a just settlement of their rights between creatures. Therefore, in Islam this life is not the whole story, but it is completed by the life in the Hereafter. In this world, the lucky person enjoys his luck, which he did not create himself; and the diligent would die without receiving his fair reward. The oppressor may not

only escape punishment but would enjoy the resultant injustice; and the oppressed may perish without fair compensation.

From these facts springs the need to a fair and comprehensive accounting where each will receive his deserved punishment, unless God forgives him, while the diligent person receives his rewards multiplied endlessly. Therefore, in the Hereafter the final settlement of the rights between creatures shall take place.

What is the Islamic Concept of Freedom?

Freedom in Islam does not mean the absolute freedom of the secular cry. Islam is a realistic religion, comprehensive in perspective. Therefore, freedom in Islam is a relative thing because human beings are connected with a perfect and gigantic system of natural laws that run the universe, with the permission of Allah. God created the universe and runs it by His direct command (i.e., "be and it will be") and the natural laws that He created. Furthermore, nothing can occur without his permission for He has full control over His creation, and everything that will happen is prerecorded.

Certainly, this does not mean that God destined people to live the way they will live, as some of us like to perceive the concept of *alqadar (*fate*). Alqadar,* as it was explained before, is a prerecording of what will occur, based on the absolute knowledge of the Creator, which is not limited by time or space nor by limited senses.(1)

The freedom of man is also limited by his responsibility towards his Creator, Who made him a vicegerent on earth and made many creatures available for him to enjoy and to invest for the Hereafter. This responsibility is based on three special gifts: the gift of thinking, the guidance (the holy books) and the relative freedom to choose between the causes of imminent results (laws of nature).

It is evident that man cannot normally free himself from the effect of laws of nature. However, he has the choice of neglecting Divine guidance and commands, with the knowledge of God. But he then has to face the consequences of his disobedience.

---

(1) Ismaeel, Prerecording pp. 3-28.

In addition to that, man is chained within his frame of reference: his family his community, his country. What is applicable to the individual is applicable to the minority; and what is applicable to any group within a country is applicable to any country in the international community.

Among the other constraints is that, when a person willingly joins a group, to benefit from the membership advantages, he will certainly have to commit himself to their rules, including doing his duties as a member until the membership expires; otherwise, he will be subject to punishment.

Nevertheless, with all these constraints man has a wide range of freedom in many affairs. In addition to the relative freedom to choose between good and evil according to the Divine teachings, he has numerous types of freedom incorporated under the different grades of acceptable or rejected multiplicity.

In Islam equality means equality of the efforts exerted in the investment of God's gifts.

Multiplicity and diversity are an essential factor for human happiness. Without it, there would not be the competition that motivates people to exploit nature to its utmost in order to secure their needs and welfare.

What about Freedom of Speech?

Many Muslims believe that the only successful political system that secures happiness for human beings is the model in the Western environment, because it guarantees freedom of speech. However, if we ask a Muslim if he wants the kind of freedom the West has when it was likely to be at the expense of happiness in the Life hereafter, he would most probably answer, "No."

But if we mean, by freedom of speech, the duty of a guided criticism of the misconduct of any member of the community or its representatives as well as the encouragement of good conduct, then we can assure that Muslims do not need to import systems, no matter how successful they are in alien environments. For, in Islam, encouragement of good conduct and discouragement of

bad conduct is a religious duty, not a right that a person can give away. This duty is to be fulfilled guided by the Islamic teachings, which are approved by the majority of Muslim scholars. It is an indispensable tool for human welfare to realize its goals when properly practiced. The proper way to full fill this duty is to be kind and tender in reminding. It is also important that the community is steadfast in doing it, encouraging it by providing the required facility for training, securing the right environment for it to flourish and by protecting it from monopolization.

Taking the example of a family situation, there are no better means to prevent deviation of its members than parents permitting the other family members to express their opinions in family affairs, or to express their feeling without the fear of being rebuked or punished. Even though, sometimes, the opinions are not ripe or the expression of them is harsh. This is better for the whole family than the parents living in a false world where everything is going properly on surface while it is boiling in the darkness. It is better because discrepancies that surface in open conduct can easily be detected and repaired. However, what goes in darkness is like a cancer growing unnoticed, without any provision for battling it. In other words, it is better for the welfare of the whole family to tolerate some evils, which are under their eyes than to tolerate the danger of hiding greater evils. Anyway, there are no good things without their proper prices. This fact is true even at the country's level.

What about Slavery in Islam?

Slavery was a practice imposed by the international norms at the advent of Islam (1). This common norm lasted for a long time. Islam had no choice but to act upon it to avoid being weak before its enemies. What confirms this fact is that there are other sources of slavery, such as parents selling their children and hunting free people to sell them, but Islam limited it to prisoners of war only. Not only that, Islam gave the Muslim ruler the choice of freeing captives for nothing, or for a

(1) See for example The Holy Bible: Deut. 20: ; 2 Sam. 12: 18-19; Kings 11: 3; Job 19: 14-16 ; 1 Peter 2: 18, 20-21.

ransom or by exchanging prisoners.[1] The Holy Quraan did not even mention enslaving as a choice. This is because, in Islam, all people are but brothers and sisters of each other. They are all servants of God. The only eternally valid criterion in the sight of Allah is piety; i.e. sincere love and fear of the Creator.[2] Therefore, Islam encourages Muslims to treat their slaves well and described the slaves as the brothers of their masters.[3]

After all, Islam does not consider slavery a natural phenomenon, but an exceptional case that should be dealt with by carefully balancing between the basic rule and reality.

Once a captive is enslaved, he becomes the property of someone and cannot, therefore, be freed automatically by becoming a Muslim because Islam respects personal properties. Even the Prophet had to obtain the permission of the owners to release a captive once he became a property of someone.[4]

Emerging from the above principle, Islam took the necessary steps to completely eliminate slavery, once the legal source was abolished. It made the freeing of slaves the first alternative in atonement for many sins. Similarly, it made helping free the slave a highly recommended act, even by the use of the public funds, and encouraged freeing slaves as a form of charity that brings a great reward in the Hereafter. Islam also made emancipation of the slave-girl obligatory after the death of her master if she bore him a child. It is worth noting that Islam did not make emancipation of a slave as the only form of atonement for sins in anticipation of a day when there would be no slaves.[5]

Thus, if Muslims commit themselves to the current principles of the United Nations in this respect, they are not adopting something new, but are actually reverting back to the original ruling of Islam in this matter.

(1) Holy Quraan , 47: 4.
(2) Holy Quraan, 49: 13.
(3) Qutub, Islam the Misunderstood pp. 62-111.
(4) Ibnal Qayyim, Zad vol. 3: 471-476; Shoukani vol. 7: 304-307
(5) Holy Quraan, for example, 5: 89; 58: 3-4.

What is the Islamic Political System?

Any system is composed of two parts: the content (the principles) and the forms, or procedures. Islam sets the comprehensive necessary principles of the social institutions (associations, private organizations) and the political (public organizations). But it did not make any specific form binding on them and left that to Muslims in the different ages and areas to choose what suites their reality and circumstances.(1) God approved inheritance of authority, *and* did not forbid it. For God says: {And **Solomon was David's heir**. He said: O you people we have been taught the speech of birds and on us has been bestowed (a little) of all things. This is indeed grace manifest (from Allah)}(2) The efficient, detailed forms and procedures are usually a result of the interaction between the principles and reality. The degree of interaction varies according to the different aspects of life, and it is greater in the political arena than in the others.

In other words, Islam does not encourage or discourage the hereditary system or the system that depend primarily on election, as long as the government submits to the Will of Allah represented by the Holy Quraan and the Prophetic traditions.

Islam encourages organizations, to assign a leader for any group, even one of only two members which, is clearly demonstrated in its rituals; and it encourages unity. Allah commands: {And hold fast all together by the rope of Allah and be not divided among yourselves.}(3) It also encourages positive cooperation between people in general. Allah commands: {Help each other in righteousness and piety. But do not help one another in sin and rancor.}(4) It also encourages people to cooperate in the fields of mutual interests. The best example of this is the treaty signed by the Muslims, the Jews, and the polytheists in Medina at the time of the Prophet (pbuh).

Concerning their content or the principles, there are actually

(1) Asad pp. 53-56; al-Awa pp.66-68.
(2) Holy Quraan 27: 16.
(3) Holy Quraan 3: 103.
(4) Holy Quraan: 5: 2.

many constitutional similarities between Islamic society and other societies, but there are major differences between the Islamic system and the other systems, among which are the following:

1. The Christian religious hierarchy in the Middle Ages was a human system, which was well organized in a system of theological hierarchy. The highest religious authority used to monopolize the power of legislation and the power to interpret the Bible. In other words, the border was not clear between the authority of the Bible and the authority of the religious body. In addition, a church is an organ of parochial authority as well as a place of worship, while the mosque is only a place of worship and sometimes a learning center.

In the Islamic system, the distinction between the authority of the Holy Quraan and the Prophetic Traditions, on one hand, and the authority of the scholars of the Islamic study, on the other hand, is clear. This fact is true even though the role of the religious scholars is evident in interpreting the two sacred sources of Islamic teachings. In this system the scholars are completely independent persons; they do not belong to any tightly organized official body. Therefore, any qualified person can make his own interpretations based on his knowledge of the Arabic language and the other tools of interpretation that may differ slightly from one school of thought to another.

Furthermore, Islam leaves plenty of room for non-religious scholars to play their role in working out the procedural laws.

2. A completely secular system puts the whole authority of legislation in the hands of the majority, which could be a true one or a manufactured or *a* forged one. Religion is reduced to some personal beliefs and generally accepted rituals of worship.

In the Islamic system, beliefs, rituals, and the law are but one harmonious unit guided directly or indirectly by the Divine Will, represented by the Holy Quraan and the Prophetic traditions. The religious scholars participate, at least, by supervision in running the system, along with the other experts specialized in other fields

required to operate the system efficiently.

In addition to that, criticism or legal "protest' is not only permitted, but is a duty that cannot be relinquished by the whole community, [1] while in democracy, freedom of speech is only a right which can be abandoned.

Consultation (opinion participation) in Islam is a right for any qualified person, one way, or another, not limited by gender, age, race or wealth. In the secular system, usually, the ones who initiate decisions, formulate them, and write them are the influential members of the community. The influence is supposed to be generated from qualification, but because of the nature of the secular system it is more susceptible to behind the screen control of the powers of money or the powers acquired by illegal means.[2]

The role of the majority is usually confined to voting for a ready-made elite decisions, regardless of their experience and qualification and whether the voters or their number represent the real majority of the voting population or not.

However, Islam praises many principles sponsored by the democratic systems, such as the freedom of expressing opinions, ideas and feelings, provided that they do not violate the Islamic moral values or transgress the rights of others. For without good or sufficient diagnosis of reality we fail to deal with reality efficiently. Islam also appreciates the means that have been developed by the democratic system that enhance and encourage a wide range of consultation before taking decisions or setting rules, such as the legal elections and open forums for public affairs.

The secular system depends primarily on the principle of struggle and bargaining between the forces that have something to bargain with, and have the experience to bargain. The winner is the most

(1) The over-seeing duty is called al-amr bil ma'roof wa nahie 'anil munkar enjoining good and forbidding evil).

(2) The short period of period assigned for governance has numerous benefits but it makes governors more subject to the influence of the power of money during the election and after winning.

powerful, and the most experienced in bargaining. Under the banner of this system, self-interests will win even at the expense of the peoples' interests with the majority's consent. This occurs, because the absence of independent supervision except by fallible human beings, whose opinions could be manufactured or easily misled by resorting to some legal or illegal means.

In the Islamic system, the political system is a secondary means to secure happiness in this world and in the Hereafter. Supervision is not limited to human supervision, for the real watcher is God, Who cannot be deceived. Accountability, in the Islamic system, is also not confined to this world or before people only. In this world and before humans a criminal could be proven not guilty and escape the punishment, but God knows the fact and the criminal will not escape His punishment. Not only that, but human supervision is supported by the Divine Law, and it is not limited to the human skill of persuasion and bargaining.

What about Citizenship and Religious Multiplicity?

Islam has experienced multiplicity in its first political unit in Medina. It was a confederation, which was composed of different races (tribes of the Medinite Supporters, tribes of the Meccan Immigrants and the Jews) and different religions (Islam, Judaism and polytheism).

Islam certainly takes care of the rights of the individuals and the groups, whether they are a majority or a minority, and it balances between them in a way that secures for each what it deserves. Islam takes care of all people, whether they belong to the majority or the minority, but each group according to its respective importance. In decision-making, it grants the majority a special weight in the public affairs, where multiplicity is not possible and standardization is indispensable. This is so because the majority's rights outweigh the minority's rights. In fact, the term, which was used by the Muslim states, *"dhimmi,"* refers to only a part of the term "minority" today. The term *dhimmi* is based on the difference of religion only[1], while

(1) ibn Hisham 2: 107-108.

the term minority is based on race, language or religion, etc.

However, in their internal affairs, such as in institutionalized belief and worship, and in individual civil rights, Islam grants the minority its appropriate rights within the boundaries of its constitutional principles.

It is noteworthy that among the duties of the non-Muslim citizen is paying what was called *jizyah* for the benefit of the community that he belonged to, and enjoyed its services. As for the Muslim citizen he has to pay *zakaah* from his wealth for the needy and the community. Today's taxes of different sorts actually include both what was called *jizyah* and the *zakaah*. In fact, the *jizyah* is imposed only on those who are considered to be fighters, but children, women, and the insane are exempted according to all Islamic jurists. And many Muslim scholars exempted the poor, old men, the blind, those who are chronically ill, clergymen, and farmers who do not usually fight.(1)

Although, Islam acknowledges the special rights of the majority, it emphasizes the rights of the minority. Prophet Muhammad said: "Whoever causes injustice to a non-Muslim citizen or resident or disdains him or over-burdens him or takes from him things without his consent, I shall be the defendant of the mistreated."(2)

It is because of this principle, which was implemented by the Muslim rulers in general, that Christianity and Judaism not only survived, but also flourished in the Middle East throughout the Muslim reigns. India is another example where Muslims governed for about seven centuries, but never compelled any one to embrace Islam. No wonder that the majority of the Indians maintained their Hindu religion. It is also true that the Muslim armies have never reached the Far East, such as Indonesia and Malaysia, but the majority of these nations became Muslims.

What about Human Relations?

Whoever rejects Islam as a way to salvation in the Hereafter but

(1) See for example: Ismaeel, Ibn Taimiyah, as Siyassah pp. 117-128; Ibn al-Qayyim, Ahkam pp. 42-51.

(2) Sunan abu Dawood: alKharaj; al-"asqalani vol.: 12: 270-2.

is not hostile to Islam or the Muslims, Islam encourages Muslims to deal with him or her kindly. It also encourages them to cooperate with him or her to achieve mutual benefits and prosperity in the temporary (worldly) life, provided that this cooperation does not endanger the Muslims' fate in the Hereafter. Allah says: {O Mankind, We have created you from a male and a female, and made you into nations and tribes that you may know each other (in cooperation with and competition). Verily, the best of you with Allah is the most pious.}(1)

This verse emphasizes two facts:

1. Part of the differences between people is a natural disposition granted by God to stimulate interaction between them and to facilitate competition. However, the real criterion of success is achieved by complying with the commands of Allah.
2. Regardless of some differences, including the difference in faith, there are countless similarities and mutual interests and benefits to be shared with and co-operate for, in order to secure happiness for all, at least in this temporary life.

The basic rule of the relationship between Muslims and non-Muslims is plainly stated in the following verses: {Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion. Verily Allah loves those who are just and fair. It is only as regards as those who fought you on account of your religion and have driven you out of your homes, and helped to drive you out that Allah forbid you to take them as guardians…}(2)

In fact, Islam distinguishes between: those who are neutral or supportive to Muslims, though rejects Islam for themselves, and those who take a hostile stand. The home countries of the first type would be called *Dar Silm*, (abode of peace) and the other's countries would be known as *Dar Harb* (abode of war).

However, with the establishment of the UN, all member countries are *Dar Silm;* This fact does not exclude the occasional

(1) Holy Quraan 49: 13.

(2) Holy Quraan, 60: 8-9.

exceptions which are imposed by the reality of a country's political and ideological stance in opposition to Islamic societies, even if partially and temporarily. In other words, this question is supposed to be governed by international norms and circumstances. On the other hand, from the Islamic point of view, individuals or groups should never take the decision for war against such opposition into their own hands, like lynch mobs or vigilantes. The matter should be left to governments. Usually, the decision of individuals and unofficial groups, in spite of their possible sincerity, is based on limited information and lacks far sightedness. Very often it is counterproductive, often missing the Islamic viewpoint, and it sometimes leads the Muslim nation, or a great portion of it, into regretful situations. This is natural, because Islamic legal opinion should be based on a firm understanding of the Islamic teachings, clear and comprehensive awareness of the reality, and sufficient visualization of the end results.

Perhaps the decision to defend it from inside Medina rather than meeting the attackers out of the city in the battle of Uhud is a good example of this fact. The young Muslims, out of enthusiasm for Islam, thought it more appropriate for the brave Muslims to go out to the attackers. On the other hand, the Prophet, in the light of the number and strength of the enemy, thought it more suitable to defend Medina from inside. The youth depended only on their sincerity and readiness to sacrifice themselves for the sake of Islam, while the Prophet was thinking of the safety of all Muslims and the future of Islam. Certainly, there is a great difference between the two ways of looking at the situation.

However, this does not exclude the fact that some decisions at the governmental level could be more disastrous decisions, mainly because of the arrogance of the decision makers.

What about Dialogue across Religions?

Some people of various religions may hesitate to participate in "dialogues between religions" believing that this kind of dialogue means subjecting one's religion to be questioned by the others, or

to giving up parts of their religion. This assumption is not true, simply because this dialogue is not actually between the religions, but between their representatives or followers. In general, dialogue under this name could mean:

1. Mutual acknowledgement of each other's religion being a true religion. This kind of acknowledgement is usually rejected by the missionary religions such as Christianity and Islam because, if they accept that, why do they waste effort and money to invite the others to their own religion? Perhaps any mutual effort to promote both religions together undergoes this type of dialogue.
2. Mutual acknowledgement of the right of each other's religion to exist and to exert some effort to find peaceful ways for coexistence and to develop cooperation in the fields of mutual interests. Islam certainly encourages this kind of dialogue.
3. Each party trying to persuade the others with their own religion, believing that their religion is the one that secures felicity in both lives for humanity. If we look carefully at the efforts of God's messengers (peace and blessing be upon them all), we find that their efforts are nothing but initiation of this kind of dialogue. It is their duty, as well as the duty of all preachers. Dialogue is the best environment for preaching, because minds are usually at peace and are more ready to comprehend the other party's opinion and evidences.
4. Spontaneous or casual dialogue, which is built into the daily life activities where the participants represent ideal examples of their religions by their words, deeds and demeanor.

Does Islam Support Human Rights Organizations?

Sometimes, organizations of Human Rights affiliated with the UN raise legal and political issues, which contradict the principles of the UN itself. For example, they interfere in some of the national laws, which have been chosen by the majority and are applied locally.

There is no doubt that the motives of most of the members of these organizations are good. However, their sincere over-

enthusiasm leads to issuing resolutions that violate the rights of the majority of some nations to decide what is good for them, in this life or even in the Hereafter. These resolutions are sometimes misused against some cultures, violating the very freedom of these nations, which have voluntarily chosen to become members of the UN. It seems like there are some behind the scene forces penetrating these organizations to exploit them to achieve special purposes, such as damaging the relationships between nations and negating the principles of the UN by utilizing twisted ways. These facts raise a few questions, among which are:

1 – What are the sources of authority that these organizations are trying to impose on the members of the UN? Did the majority of their nations elect them?

2 – If the members of these organizations represent their governments, are their resolutions superior to the majority's decision in their countries?

3 – If the participants of the conferences and the members of these organizations do not represent the governments of any nation, from where does their legal force stem?

- Does it stem from the Principles of the UN? In fact, their resolutions, sometimes, violate these principles, which emphasize the right of each nation to choose its own local laws.
- Does it stem from democratic values? In fact, their resolutions, sometimes, violate democratic values by contradicting the majority's will.
- Does it stem from the principles of justice and human rights? In fact, their resolutions violate the human rights of the majority's will of the countries concerned.

It is evident that these organizations have no legal power that makes their resolutions superior to the local laws of the UN members. These resolutions are only recommendations based on personal, or semi-personal, opinions, which could be eventually useful, or eventually harmful.

However, Islam encourages any effort to help the oppressed, including non-Muslims.[1]

Therefore, these conferences and organizations should be supported to interfere in some of the cases, which they are doing well in dealing with, and some oppressed people are benefiting from their good efforts. Among these are:

1 – In the case that one nation oppresses another nation.

2 – In the case where a government oppresses its own citizens, or citizens of another nation, in violation of the local laws or some international laws, where they are applicable.

3 – In the case of citizens of certain alliance of countries invading the land of another nation by force and driving the original inhabitants out of their homes and lands.

4 – In the case of a minority government's abuse of the majority that deprives them of their proper share in the natural resources of the country, or the opportunity for education, or to choose the work they are qualified for, or to live wherever they can afford to, in terms of cost or other acquired provisions, but not provisions based on race or faith.

(1) Sieny, Muslim and non-Muslim pp.41-42.

CHAPTER FIVE

Status of Women in Islam

Islam emphasizes and enhances the natural disposition, which Allah has instilled in His creation. Allah has created men and women with different attributes for each to fulfill part of the essential needs of both to live happily in this life and to work more efficiently for the Hereafter. He made them indispensable for, and complementary to, each other. They are like the day, which is composed of two indispensable parts: nighttime and daytime: also electricity, which is composed of two elements that bring to life many lifeless materials.

Among the things that Allah has distinguished the female with is that He made her highly affectionate and emotional in her behavior. Besides, He has made her elegant and fragile to increase her attractiveness, though it limits her freedom of movement in the environment where she lives. She was made tender and affectionate to be capable of absorbing man's stiffness and to attract him, and to provide him with the psychological refuge, and to soothe his pains and relieve his worries. Also, she was made to be more ready to sacrifice herself for the others in order to be suitable to take care of the children.

In fact, all these qualities are indispensable to the happiness of any family or community. It has been proven, by psychological experiments, that females are stronger than males in surviving unusual psychological situations and recovering from psychological shocks.

On the other hand, Allah has created man to be distinguished with strength to protect his family, and to make him more capable of moving freely in the environment where he lives. He can wander freely in a wider area; he can go to isolated or deserted areas, and move more freely during the late hours of the night and in darkness. Man is also less exposed to aggression because he is more capable

to defend himself.

However, when we speak about the distinctive characteristics of men and women, we should bear in mind that there are exceptional cases where a man or a woman may excel in the other's field of specialty.

What is the Status of Women Compared to Men?

Some people like to quote some Prophetic traditions, intentionally or unintentionally, to come up with meanings that contradict the previous facts mentioned. Among the misunderstood quotes is the saying of the Prophet: "'O you women give in charity. I have been shown that you represent the greatest proportion of the dwellers of Hell-Fire.' Women asked: 'Why, O Prophet?' He said: 'You are accustomed to cursing and denying favors. I have not seen such as you having incomplete mind and incomplete religion and have the power to influence the decisive, wise men.' They said: 'What is missing in our religion and mind?' He said: 'Is not your testimony half of the testimony of a man? That is why your mind is incomplete. Is it not true that you do not pray or fast during the menstruation period? That is why your religion is incomplete.'"[(1)]

The context here is that the day was a festival day, and the Prophet wanted to encourage women to donate for the sake of Allah. It was an appropriate time to tease them, using partial facts. They are partial facts because if their testimony, in some cases, is considered to be equal to half of the man's testimony, or if they do not pray or fast during menstruation period, it is not their fault. Here, the Prophet was praising the women by contrasting the special power they have over strong men with some apparently weak points of theirs. And, if they represent the greater proportion of the dwellers of Hell, this is also natural because they outnumber men in reality. As for denying favors bestowed by exaggerating their dislikes, this is one of the characteristics of the emotional person.

However, women's status in general could be classified under three categories:

(1) al-Bukhari: menstruation.

1. Men and women are equals:

Islam made women close sisters of men, as the Prophet said,(1) and it made men and women guardians for each other. The Holy Quraan reads: {The believers, men, and women are guardians of each other. They enjoin what is just and forbid what is evil.}(2) The Quraan reads too: {To men is allotted what they earn and to women what they earn.}(3) It also reads: {Whoever works righteousness, man or woman, and has faith, verily, to them will We give a new life and life that is good and pure}.(4) In another verse the Quraan reads: {For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, for men and women who engage much in the remembrance of Allah, for them Allah prepared forgiveness and great reward.}(5)

Islam puts only some of the blame on Eve for eating the fruit and being discharged from Paradise as a result.(6) Not only that, but it puts the greater blame on Adam, because he had the final word.(7)

2. Women have greater rights:

In Islam, the mother's rights are greater than the father's.(8) In Saudi Arabia, for example, based on a Prophetic tradition related to after birth confinement,(9) the government's civil service grants the mother a fully paid forty-five days vacation at least, in addition to her annual vacation. It also grants a widow about one hundred and thirty fully paid days off for mourning, on the basis of the period

(1) at-Termidhi: purification.
(2) Holy Quraan, 9: 71.
(3) Holy Quraan, 3: 32.
(4) Holy Quraan, 16: 97.
(5) Holy Quraan, 33: 35.
(6) Holy Quraan, 2: 36.
(7) Holy Quraan, 20: 121.
(8) see for example; Ismaeel, the Relation between Muslims and Non-Muslims p.86
(9) at-Termidhi, purity.

appointed for mourning, upon the death of a husband in the Holy Quraan(1).

In Islam, only females are allowed to wear pure silk clothing and gold ornaments.(2)

Not only that, but Islam also promises great rewards for bringing up female children. The Prophet said: "Whoever has three daughters or sisters and takes good care of them will surely enter Paradise."(3) Furthermore, it made the way a husband treats his wife a criterion of good character. The Prophet said: "The best among you is the best to his wife."(4)

Men get none of these privileges. Shall we say that Islam discriminates against men?

3. Greater rights and responsibilities for men:

Islam made man in charge of his family concerning living expenses, and the final word in the family's affairs. It assigned him twice as much as the female's share of the inheritance if he is responsible for her living expenses.

Thus, we notice that Islam considers the male and the female as equals in importance, as night is equal to daytime, but not as night is equal to night. Both men and women are indispensable for any happy family. Likewise, a complete day cannot exist without both night and day time.

By way of comparison, if we go back to the resolutions of the French revolution, which is a model of all cries of equal rights for women, and to some constitutions of the prominent Western systems, we notice that these models did not grant women many of the rights that Islam granted to women fourteen centuries ago, except during the last century.(5) In fact, there are still more rights to be legislated

(1) Holy Quraan 2: 234.
(2) Muslim: clothing.
(3) at-Termidhi: doing favor and care.
(4) at-Termidhi: qualities.
(5) Dawalibi pp. 4-5; The American Constitution did not grant the right to vote (i.e. to play a role in the nation's politics) except in 1920.

and approved for women in the West, even after tireless efforts on their behalf, rights that are already part of Islamic law. Among these is to put the full financial burden of the family on the man's shoulder and granting the female complete control over her own wealth.

What is the Women's Role in the Political System?

In the light of the previously stated special qualities and privileges of females and males, it seems reasonable to put the highest decision-making responsibility in the hands of men. Muslim scholars who adopt this legal opinion depend on a Prophetic Tradition that says: "No success is expected for a nation that chooses a woman to be in charge of their affairs".[1] However, the opponents of this opinion say that this comment of the prophet is not a judgment, but rather a prediction. He said it when he was told that the Persians had chosen a woman to be in charge of their affairs.

In general, we should bear in mind that the highest position in Islam used to be held by a person whose authority included the power of deducing laws from the Holy Quraan and the Prophetic Traditions, the judicial, and the executive authorities. The question is: what is the case if the authority is limited? In fact, the issue is still under discussion.

It is also worthy to note that we should distinguish between the qualification of the leader of the whole Community of Islam and the leader of a particular Muslim nation or community. The debate regarding a woman assuming a leadership position is mainly related to the former, not the latter.

As far as the consultative authority is concerned, Islam respects intelligent consultation including women's. The Prophet Muhammad (pbuh) who received revelation took the advice of a woman seriously and put it into action, as we can see in the following story. After concluding a pact with the tribe of *Quraish* before they embraced Islam, the Prophet commanded his Companions to give up their intention to perform *umrah* (the minor pilgrimage). They were so upset that they hesitated in carrying out his order, because

(1) Imam Ahmad: Sanad al-Basryeen.

the agreement with *Quraish* included a provision which said that Muslims should return whoever embraces Islam from Quraish *and flee to Muslims*, but not vice-versa. When the Companions hesitated in complying with the Prophet's order, he felt sad. Then *Um Salamah*, one of his wives, advised him to do the rituals of giving up *umrah* himself, in front of the Companions, without saying any word. The Prophet took her advice and did what she suggested. All the Companions followed suit instantly.(1)

In general, Islam considers a woman not only qualified to hold responsible positions, but it considers her responsible in many areas. Among these is her family. The Prophet said: "All of you are guardians and responsible for your wards and the things under your care. The ruler is the guardian of his subjects and is responsible for them, and a man is the guardian of his family and responsible for them, and a woman is the guardian of her husband's house and responsible for it…"(2)

Why is Women's Testimony Half of Men's Sometimes?

As a corollary to the above-mentioned facts, it is natural for a man to be charged with the responsibility of supervision in his family. And this made him entitled to a greater weight in voting; i.e. the chairman's vote has a special weight. In addition to that, because of man's greater freedom to move around the environment and because he is less emotional and physically stronger he is more suitable to attest in some cases, especially in cases which may endanger the witness.

However, there are cases where a female's testament is equal to or more valuable than a male's. For example, even in learning the religious teachings, which is of utmost importance, Muslims took some of their knowledge from the wives of the Prophet Muhammad (pbuh) and studied at the hands of some prominent female teachers. In others, women are more qualified to attest, and their testament is weightier, such as in the purely female affairs. Similarly, in some

---

(1) Ibn al-Qayyim, Zad vol. 3: 195.

(2) al-Bukhari: Jumaah prayer.

cases only men are qualified to testify.

As a matter of fact, by some secular or manmade laws, the female is considered more qualified to take care of the children. In the USA, for example, when the parents are separated the children are usually given into the mother's custody. We do not say that the law discriminates against men here, or vice versa. The question is: Who is more appropriate for the case we have on hand?

After all, the verse that is quoted to support the case that a woman's testimony is half of a man's testimony reads: {O you who believe, if you deal with each other in transactions involving future obligations in a fixed period of time reduce them to writing. and get two witnesses out of your own men. And if there are no two men, then a man and two women, such as you choose for witnesses, So that if one of them errs the other can remind her…}([1]) In other words, the verse may be considered a recommendation for the parties involved, rather than a judgment. What confirms this fact is that the testimonies accepted by judges in court could differ. For example, a judge may reject a testimony of a man who is a relative to the plaintiff and accept the testimony of a non-relative woman.

Why does a Female Inherit a Half in Some Cases?

As we mentioned before, Islam has assigned man as the head of the household. But it did not give him this authority without burdening him equally with extra responsibilities. At the top of these responsibilities is to provide his family with a decent standard of living, within his capabilities, and with varied degrees of obligation depending on the type of his authority (a father, a brother, an uncle...). His close family means his wife and children. Sometimes, it could mean his parents who are unable to work, as well as his younger brothers and sisters or unmarried sisters.

On the other hand, Islam did not burden the female with these responsibilities, even regarding her parents and their helpless children. In fact, even a rich wife is not required to support her poor husband or family.

(1) Holy Quraan, 2: 282 and the commentary on the verse.

Therefore, Islam forbids the husband to pay from his obligatory charity, *zakaah,* to his wife or children, because his duty to provide them with the decent means of living comes before paying *zakaah*. For *zakaah* should only be paid to some fixed categories. Allah says: {*as-Sadaqat* [the obligatory charity) are only for the poor and the needy and those employed to collect them, and those whose hearts are to be reconciled and to free the captives and the debtors and for the cause of Allah, and a wayfarer, (a traveler who runs out of his money); a duty imposed by Allah.}(1)

In Islam, the woman has her independent legal identity, and she maintains that after marriage. Before marriage she is the daughter of her father, and after marriage she is still the daughter of her father. She does not have to change her family name after getting married, unlike the case in the Western culture, where she has to change her family name as if she were a property of her fathers' family then becomes a property of her husband's family.

She has full control of her properties before and after marriage, whether she owned them before or after marriage. She is also entitled to hire her husband or any other person to manage her business on her behalf.

Islam also grants a woman some free or semi-free services in addition to burdening the man with the financial responsibility of looking after her. In return, Islam gives the male twice as much of what it gives his female counterpart (the wife or the sister) of the inheritance.

In other words, only in some cases do males receive twice as much as females. If we ponder on just one single verse on inheritance, we soon come to recognize that this increase is bound to financial responsibility. For example, Allah says: {Allah commands you as regards your children's inheritance; to the male a portion equal to that of two females. If there are only daughters, two or more, their share is two thirds of the inheritance, if only one, her share is half. For parents sixth share of inheritance to each, if the deceased

(1) Holy Quraan, 9: 60.

left children. If no children and the parents are the only heirs, the mother has a third, if the deceased left brothers or sisters, the mother has a sixth. In all cases, after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children are **nearest to you in benefit**. These fixed shares are ordained by Allah.}(1)

It is clear from this verse that an only female child inherits half of her father's inheritance alone, and the rest is divided among all other relatives, whether they are males or females. The two daughters inherit two-thirds of the inheritance, and the rest is divided between the other heirs.

In fact, inheritance is not the only financial source of income for any human being. For Allah has bestowed men and women with many gifts, which make them capable of earning their own living, and distinguished each of them with qualities essential for the survival of human communities. As for those who have been deprived, wholly or partially, of these capabilities, Allah has made the community as a whole responsible for them. Islam assigned their share in the properties of the wealthy (the *zakaah)*, in addition to the responsibilities of the Muslim State to provide for them from the public treasury. It also encouraged the prosperous members of the community to pay charity in addition to *zakaah*.

In the West, if women demanded equality in inheritance it would be quite reasonable, since her financial responsibility is equal to her male counterpart. It is her right, especially if the law divides the property of the divorced couple into two equal halves, regardless of who contributed most in acquiring these properties.

What about Marriage and Divorce?

In general, a woman is married through her guardian, but there are exceptions. This is because, in Islam, her father, her brother, or her son takes care of her before marriage, including all her living expenses. If the marriage fails, she goes back to her guardian's care. Furthermore, if the divorced husband fails to pay for his children, the burden goes back

(1) Holy Quraan, 4: 11.

to her guardian too. However, there are scholars who permit a woman to marry without a male guardian, in certain cases.

Divorce is in the hand of the man because the man is the one, who normally proposes marriage, pays the marriage expenses, including gifts for his wife and the wedding feast. The woman receives a dowry, which ranges from a symbolic amount to thousands of US dollars or Euros. On the top of that, the husband should provide her with decent living conditions, including clothing, housing, and medical expenses. And if marriage fails, he has to pay for his children's support, which includes their educational expenses. In addition to that, the more emotional person is the less thoughtful and sensitive to the end results of a wrong decision, whether it is the marriage or the divorce.

Furthermore, the man of the house is like the government in a country and held responsible for the misconduct of his household. Therefore, Islam has given him the authority and means to discipline family members who go astray and endanger the peace of the house. Among these means is, as the last resort, some types of physical punishment, but not a slap on the face or grievous bodily harm, which would cause humiliation and resentment and contradicts the mutual love and care that naturally exist between married couples and their children.

In the light of all these facts, the husband usually looks at divorce more seriously than the wife, especially if he is aware that divorce is the most hateful act to Allah among the permissible things.(1)

On the other hand, a wife can acquire divorce through the courts, if necessary, and would keep the dowry for her husband's failure to fulfill his essential duties, if that is the verdict. She can also buy her way out by paying back her dowry or, sometimes, by paying part of the marriage expenses too.

Can a Muslim Woman Marry a non-Muslim?

In fact, this is a good example of how much Islam cares for women. It allows a Muslim to marry a woman from among the People of the

(1) Abu Dawood: divorce.

Book (Jews and Christians). Allah says: {Made lawful to you this day all good things. The food of the People of the Book are lawful to you [except when specifically mentioned to be forbidden such as swine] and your food is lawful to them, and the chaste women from the believers and the chaste women from the people who received the scriptures before you, if you pay their dowry and take them in legal wedlock, not illegally or as concubines (girl friends).}(1) This is perhaps due to two reasons:

1. Judaism and Christianity are the early versions of Islam. Both religions were referred to in the Holy Quraan as Islam or some of its derivations. Accordingly, the Muslim husband partially respects his wife's religion, which in turn prevents him from humiliating her or forcing her to change her faith.(2) This same fact made marriage to an atheist or a pagan forbidden for a Muslim, because Islam completely contradicts atheism and paganism. This fact is likely to jeopardize the marriage bond sooner or later.

2. Islam guarantees the wife's rights as part of the Divine law, which is not subject to change and it is binding on the Muslim husband. It guarantees the spouse's freedom of religion.

As far as the non-Muslim husband is concerned, he is either not committed to any religion that has obligatory laws preserving the wife's rights, or else he follows some man-made laws that may be wrong and are subject to change. Indeed, if we look closely at the laws concerning the wife's rights in secular systems, we will find many contradictions and on-going changes. Under all circumstances, there is no guarantee of freedom of belief or worship for the Muslim woman if she marries a non-Muslim person.

Why Can a Man Marry up to Four Wives?

The issue of Islam permitting a man to marry up to four wives provided that he is fair to them all was looked at as a negative thing especially from the women's perspective. But what are the facts?

(1) Holy Quraan, 5:5.

(2) see for example Holy Quraan, 2: 128, 132; 3: 67 and see al-Qadi who quoted over 20 verses from the Holy Quraan.

Allah says: {Marry of your choice two or three or four, but if **you fear that you shall not be able to deal with them justly, then only one.**}(1) Not only that, but Allah warns: {You will never be able to show perfect justice between wives, so do not incline too much to one of them.}(2)

However, looking at this issue with an open mind, especially the unmarried females will not only find it a positive law, but also a Divine gift! This is for the following reasons:

1. It is obvious that females out number males in the world. This means if we have only one wife for each man, then there will be no chance for many women to get married.
2. It is a Divine gift because if the chance for a female to get married is to one, by allowing men to marry up to four makes the chance she will get married four fold. A female may say: "I do not need this opportunity." It is all right for her to say that, but she should remember that no one can force her to take it, and the opportunity is there in case she needs it.
3. Logically, to share a husband with other wives and to have clear-cut moral and legal rights along with the chance for safely satisfying sexual drive and motherhood instinct is better than missing out on any of these. It is also better than expressing her sexual instinct illegally, not only by being deprived of many advantages a married woman has if she did so, but also being burdened with the numerous responsibilities a single mother has. In addition to that, she will also be more subject to humiliation and exploitation by men.

As far as married women are concerned, it is natural that they may cast a scornful look at this kind of law, at first. But is it really that bad? I assume we agree that without this permission of polygamy there would be more unmarried women. This means the unmarried women will compete harder to get married, possibly going to the lengths of getting a married woman divorced by the

(1) Holy Quraan, 4:3.
(2) Holy Quraan, 4:3.

man she is interested in. In fact, many women recognize that secret illegal relations are threatening many families who are used to the peaceful nests that happily married couples, usually, make. This is especially true in the societies where females are allowed to reveal their beauties including the most attractive parts. Therefore, allowing men to marry more than one woman will help the married women to keep their husbands and homes better.

Also related to this issue, a woman may ask: "Why are women not allowed to marry more than one man?" The question, at first glance, seems logical. But to be realistic, let us ask what women would gain from such opportunity? Would it – in the long run - secure her a man who will be next to her when she needs him, especially if she has no money or when she becomes sick? Would it secure her a responsible husband and a responsible father for her children?

In reality, the most probable answer is a big NO. One of the major reasons for this answer is because this kind of relationship would be a good opportunity for men to relieve themselves of the responsibility of being fathers and to hang this responsibility on the mothers' shoulder due to the uncertainty about who the actual father was.(1)

Does Islam Discourage Women Driving?

Practically, the correct Islamic legal opinion is a result of a perfect interaction between the texts of the Holy Quraan and the authentic Prophetic traditions, on the one hand, and the diagnosis of the reality. We can assure the reader that Islam does not prohibit, nor does it encourage, women to drive cars. The whole question depends on the environment in which women live and the kind of veil she wears.

In the Kingdom of Saudi Arabia, for example, women tend to apply the maximum limits of veiling (*hijaab*); i.e. to cover her complete face or only reveal her eyes, and the society in Saudi Arabia also prefers that kind of *hijaab* and demands that from the females. In this kind of environment it seems better for a woman not to drive herself, especially if she is alone. This tendency, in fact, goes in

(1) See other reasons in the discussion of the penalty of adultery.

harmony with the natural tendency of many people, including men, who like to have the luxury of having a driver to take them around, as long as this luxury does not cost them too much.

In other environments, women prefer observing the minimum limit of *hijaab;* i.e. revealing the whole face and wearing Islamic clothes that do not reveal except the necessary parts of her body. In this environment, though some prefer to drive themselves, many still like to have the luxury of having someone to drive the car for them as long as it does not cost too much.

Why is hijaab for women?

Hijaab means that an adult female wears unrevealing clothes, to cover her body from head to toes. As we have already mentioned some scholars consider covering the face and hands as not compulsory, while others do.

Many non-Muslim females look at *hijaab* as a negative thing. I said non-Muslim female, because a Muslim woman should recognize that this is the command of Allah, and she has to abide with it if she is sincere to avoid the wrath of Allah in the normal situation. However, if we look at it carefully, these objecting women may change their opinions. On the one hand, *hijaab* is a means of protection through modesty. It functions as a psychological barrier between the female and others, especially men. It is similar to the military uniform, to dress extravagantly, having a driver, a guard, or secretary. They give an air of respect, which provides a person with some kind of protection from being bothered. On the other hand, not revealing most of her body makes her more precious to men and remote to reach, except through a marriage bond that preserves her rights and self-respect.

To conclude our discussion of women's status in Islam, let us always remember to differentiate between Islam and the Muslims' practice of Islam, which may vary greatly from the Islamic teachings. Indeed, they are two different things.

After all, let us ask a wise Muslim female, "Does she prefer the Western equity provided that she gives up her privileges granted by Islam?"

CHAPTER SIX

Islam Forbids Oppressive Terrorism and Violence

It is strange that some prominent politicians and opinion leaders do not differentiate between "terrorism" and "violence" and between oppressive terrorism and defensive terrorism.

In fact, there is a clear distinction between violence and terrorism. Violence is, usually, confined to using physically violent means such as beating, physical torture and using weapons etc, to express a feeling or an opinion, or to achieve a special or a public goal. Terrorism, on the other hand, includes physical and non-physical means. It includes verbal abuse and non-verbal threats, enforcing economic siege, voting against, or using the veto against, the resolutions that condemn or punish the aggressor in the General Assembly of the UN and in the Security Council. Terrorism can take the form of oppressive press campaigns that propagate hatred and disdain against a group or a nation. Terror may not kill instantly, but it may kill in the long run, after long suffering hunger and pain.

We also have to recognize that terror in itself is not pure evil or goodness. It is a means, which is neither designated exclusively to evil or goodness. It can be used to defend the truth, to defeat an oppressor or defend a victim. It can also be used to cause injustice to the innocent, to rob people of their properties and money, deprive them of their rights, and occupy their lands.

In other words, we can distinguish between two kinds of terrorism: oppressive terrorism, and defensive terrorism. However, offensive terrorism is uncontrolled, but defensive terrorism is usually controlled by the natural disposition of man or by laws.

It is a common fact among the adherents of religions of Divine origin that this life is a test to distinguish between the good that

deserve rewards and the bad, which deserve punishment, especially in the Hereafter. Thus the struggle between the followers of the truth and the followers of falsehood, and between the supporters of justice and the supporters of injustice is vital. Allah says in the Holy Quraan: {Did not Allah check one set of people by means of another there would be surely have been pulled down monasteries, churches, synagogues and mosques, in which the name of Allah is commemorated in abundance measure.}[(1)]

Terrorism sometimes occurs unintentionally, or even against the will of the person who causes it. But if he is reminded of what he is doing and persists in doing it, he is considered an aggressor, and so is the one who knowingly helps him.

Because Islam invites to comprehensive peace in this life and the Hereafter, it condemns using terror to cause injustice to any person and assigns an appropriate punishment for it, but only after making sure that it has been unjustly used as a means of aggression.

However, Islam, also, considers it a necessary means to remove aggression and to help the helpless innocent people. This is what Muslims call "*Jihad*" or "fighting in the cause of Allah." Allah says: {Permission to fight is given to those who are oppressed…}[(2)] and says: {And what stops you from fighting in the cause of Allah and for those week, ill-treated and oppressed among men, women and children.}[(3)] Allah also says in a Divine tradition: {O my servants I have forbidden injustice to Myself and I have forbidden it among you.}[(4)]

In other words, "*Jihad*" in Islam is not an oppressive act, but a legal defensive act, which is approved by all laws, including those of the "democratic countries" and others. It is the legal justification for building strong armies and developing highly destructive weapons.

---

(1) Holy Quraan, 22: 40.

(2) Holy Quraan, 22: 39-40.

(3) Holy Quraan, 4: 75.

(4) Muslim: al-Bir was Silah; A divine tradition is a tradition which meaning from God but wording is of the Prophet.

In general, those who use terror could be classified into these categories:

1. A person who uses it for aggression, regardless of whether he believes in the Hereafter or not. And by so doing, he violates his natural disposition, the man made law and the Divine teachings, including Islamic teaching.
2. A person who uses it to defend his own life, dignity and properties, or to defend the innocent who are oppressed, even though he may not believe in the Hereafter. This person is usually motivated by natural disposition.
3. A person who uses it to defend his own life, dignity, and properties or to defend the innocent who are oppressed, and he believes in the Hereafter. This person is usually motivated by both natural disposition and Divine teachings, which promise a great reward for so doing.

The last category is the most courageous of all and ready to sacrifice his-own life, because it considers this life as a means, not as a goal by itself. Perhaps this is one of the reasons behind suicidal operations carried out by the oppressed religious person.

Generally speaking, Muslim scholars' opinion about these operations is divided between two legal opinions:

1. Those who approve it and encourage it as long as it is a legal defensive operation. In their opinion, all soldiers in all types of systems are required to do their best in a defensive situation, even though they may have to sacrifice their own lives.
2. Those who prohibit that because they consider this a kind of intentional suicide, which is forbidden in Islam even for a legal cause, although this differs from personal causes, i.e. to take one's life by one's own hand out of despair, which is absolutely forbidden.

In all cases, Islam forbids killing the innocent, the aged, and women and children, unless they actually engage in aggressive terrorism.

What is the Difference between Oppressive and Defensive Terrorism?

We have already mentioned that both the oppressor and the oppressed use terror, but how can we distinguish between the two cases; i.e. the ones who use it for aggression and the ones who use it for defense?

The basic criterion between the two types is:

Who used it first against the other? The first one is the one who is using it for aggression, and the second is the one who is using it for defense. And whoever supports and helps the aggressor is an aggressor himself, and whoever supports or helps the oppressed holds the status of the oppressed.

Sometimes, it is difficult to tell who started it. Therefore, we need another criterion. The second criterion is to try to bring reconciliation, and the one who rejects a fair judgment is the oppressor. Allah says: {And if two parties or groups among the believers fall to fighting, then make peace between them both; if one of them outrages against the other, then fight you all against the one that outrages till it complies with the command of Allah.}[1]

Terrorism could appear in other forms, such as to punish a person without sufficient evidence, or to exceed the limits of reasonable punishment. The punishment for a specific crime should be fixed in terms of severity. We cannot be lenient with a friend, or someone from whom we expect benefits, and to be harsh on someone whom we consider an enemy. Allah says: {O you who believe stand out firmly for Allah as just witnesses; and let not the enmity and hatred of others make you avoid justice.}[2] Therefore, Islam completely rejects violation of the independence of a member of the UN under any unproven **accusation**.

It is natural that, in spite of the clear teachings of Islam, some Muslims may violate them and use terror for aggression. It is also natural that all nations try to bring up their citizens to behave correctly, yet their prisons are full of criminals. But we cannot say that all nations are criminals or bring up criminals. It was reported that there were 175

(1) Holy Quraan, 49: 9.

(2) Holy Quraan, 5: 8.

incidents of terrorism in the USA between 1982 and 2001, and 143 out of them were attributed to Christians. Can we say that Christians are terrorists? It is certainly unfair to generalize or attribute the bad acts of a few to all, or even to the majority.

If some democratic governments that call to justice supported a country, which was established on pure religious fanaticism by driving the original inhabitants out of their lands and homes, can we say that all democratic regimes encourage oppression? And if some democratic governments claim to fight terrorism by waging war against a number of poor countries, while continuously support a state based on oppressive terrorism at the same time, can we say democracy is a hypocritical system?

How Islam Deals with Offensive Terrorism?

Islam deals with offensive terrorism by three means:

1. Provision of good discipline from childhood and instilling the principles that prohibit aggression and oppression, and encourage justice and fairness.
2. Removal of the causes of offensive terrorism by protecting human rights, providing fair trial, securing just treatment, encouraging cooperation in the ways of goodness, and securing a decent means of living.

Therefore, it is no wonder that the second Guided Caliph Umar put a halt to the punishment of cutting the hand off the thief during the year of famine.

It is wiser for us to find out the reason behind terrorism and to remove it than rushing to condemn it and punish people involved in it. Those people are frequently the victims rather than the aggressors. Sometimes, we condemn the oppressed desperate random defensive violence that causes few victims, but we forget or ignore to condemn the oppressive violence that causes thousands of victims to face humiliation, hunger and death after long suffering.

Some countries may blame some defensive terrorism against them, but avoid removing the cause, which is in their hands. Instead, they agitate terrorism more by committing more atrocities against

the oppressed, or continue in supporting the oppressor.

It is note worthy that some decision makers of some countries base their decisions on misleading information, provided by some prejudiced or ignorant information sources. In the light of this fact, the decision makers should be more careful and try to verify the information from several first hand sources as much as possible. This is not to exclude the fact that some of the decision makers may forge some of the information themselves in order to realize personal goals. And there in should come the role of the wise-opinion leaders of the nation and the dedicated honest media men and women..

3. Islam assigns suitable punishment for offensive terrorism, but only after proving guilt beyond doubt, which authorizes the judge to reject some suspicious confessions. This is so because punishing innocent people out of negligence and insufficient investigation or revenge-like punishment, will only agitate more random, offensive terrorism.

Does Quranic Schools Instill Hatred and Fanaticism?

As it was made clear by the above quotations from the Holy Quraan, Islam invites all humans and Jinn to comprehensive peace and felicity, not only on the level of this temporary life but also on the level of Eternal Life. The Holy Quraan also makes it compulsory for Muslims to respect others' rights, regardless of the difference in faith. The Holy Quraan encourages everyone who reads it with comprehension to stick to the highest moral values and to treat all people kindly, even to do favor to them and to care for their happiness in both the temporary life and in the Hereafter. Allah says: {Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion. Verily Allah loves those who are just and fair. It is only as regards as those who fought you on account of your religion and have driven you out of your homes, and helped to drive you out that Allah forbid you to take them as guardians.}[1]

The Holy Quraan, for instance, encourages observing the rights of the guests, neighbors, kin, and of the parents, even if they are non-

(1) Holy Quraan, 60: 8-9.

Muslims. Allah says: {And We have enjoined on man to be good and dutiful to his parents; but if they strive to make you join with Me in worship anything as a partner then do not obey them}.[1]

The Holy Quraan is concerned for the dignity and the honor of people, and it encourages self-esteem, without arrogance, and praises strength, without oppressing others.

It also includes the history of the struggle of Prophet Muhammad, the description of those who took a hostile position against him and his preaching, as well as about his tolerance of the harassment of his enemies for about fourteen years until he was finally granted permission to defend himself and fight back.

We all know that many wars have occurred in the world between the various races, religions, and states. Both sides in these conflicts have utilized different types of terrorism: violent, psychological, and spiritual oppression, mental suppression… etc.

Can we say that all parties in these conflicts are oppressive terrorists? Or does it depend on the actual motivation of each, whether it is oppressive or defensive?

All countries have armies and military academies, and pay a great deal of attention and spend great fortunes to train their soldiers to use destructive weapons efficiently. In fact, the most technically developed democratic countries are the most advanced in the area of developing the most destructive weapons in the whole world. Not only that, but they are the sellers of these weapons to the lesser-developed countries. And they are the ones who brag about having the most advanced and capable armies and having the most advanced facilities to develop the most destructive weapons.

Can we say that these countries encourage oppressive terrorism and train their citizens to be more efficient in carrying out oppressive terrorism, or simply label them terrorists? The answer is certainly no, because a wise person should prepare himself within his capabilities to defend himself against injustice and oppressive terrorism. This is why all laws of the whole globe legalize self-defense, regardless

(1) Holy Quraan, 29: 8; see also 31: 15.

of whether these laws are divine or man made. They all grant permission to defend oneself, one's properties, and honor.

Some politicians claim that teaching the constitution of the Muslims, the Holy Quraan, instills hatred and fanaticism because it includes the history of parts of the struggle between the Muslims and some of the non-Muslims. Using the same logic, should we say: "We have to forbid all nations to teach their histories because they agitate hatred and fanaticism even between the various groups in the same country? In fact, there is a great number of documentaries about the world, regional or civil wars that are full of the bloodiest fighting. Should we forbid them too?

In addition to that, there are many texts in the Bible, which, if taken out of their proper contexts, would seem to be very violent. For example, in the Old Testament the Bible reads:

"So now **kill every boy and kill every woman who has had sexual intercourse,** but keep alive for yourselves all the girls and all the women who are virgin.(1)

It also reads: "The Lord your God will bring you into the land that you are going to occupy, and He will drive many nations out of it. When the Lord your God places these people in your power and you defeat them, **you must put them all to death.** Do not make an alliance with them or show them any mercy. Do not marry any of them, and do not let your children marry any of them. "(2)

In the New Testament the Bible reads: "I tell you, he replied, that to those who have something, even more will be given; but those who have nothing, even the little that they have will be taken away from them. Now, **as for those enemies of mine who did not want me to be their king, bring them here and kill them in my presence.**"(3)

Should we take these verses as encouraging offensive terrorism? A wise person will say: "NO. These verses, and similar holy texts, should be understood within their proper contexts."

---

(1) Numbers 31: 17-18.

(2) Deuteronomy 7: 1-2, see also Deuteronomy 20: 10-18.

(3) Luke 19: 26-27.

CHAPTER SEVEN

Application of Islamic Law And Extremism

A wise person recognizes that the word "extreme" has relative meanings. What could be extreme to one person might be lenient to another. Even in the same country, it changes from time to time. There was a time when some American states considered capital punishment as an extreme punishment, which should be abolished from the law. But now it seems like some of these states are going back to the capital punishment.

Then how can we define extremism?

To a Muslim, once he is convinced by sufficient evidence that a particular law is Divine, he has no doubt that this law is better than any man made law. For Allah is the One Who created humans and He knows best what is good for them.

Therefore, if a nation or the majority of the citizens chooses Islam as a complete package of laws that regulates the relations between the citizens themselves and between them and the others, then there is no room for not applying it in their private or public life. And as we know according to the Charter of the UN, every nation has the right to determine what is good for it.

True Muslims firmly believe that Islamic law will certainly secure felicity and peace for the accountable beings (Jinn and Humans) in this temporary life as long as the majority acts upon it. They also believe that it also guarantees happiness in the Hereafter if the individual implements most of it, provided that he does not take partners with Allah, the One God. Allah says: {Verily Allah forgives not that partners should be set up with him in worship, but He forgives anything lesser for whomever He wills.}[1]

It is true that Islam is very firm with some crimes and has

(1) Holy Quraan, 4: 48, 116.

assigned severe punishments for them, but it also made it clear that these punishments should not be applied without strong or unchallengeable evidence, according to strict rules. On the other hand, Islam is not the first to implement such laws, because many of these laws are actually part of the Jewish and Christian laws as well.

Islam in general sets some basic rules and limits, which should not be tampered with. At the same time, it provides, within set boundaries, enough room to implement judgments that are results of interactions between the major sources of Islamic law and the careful diagnosis of reality.

Do Some Islamic Countries Enforce Extreme Punishments?

In fact, an Islamic government, as any other government, has to enforce the law that its people, or the majority of them, have chosen. If the people of any Islamic country have chosen Islam as a complete package of laws, then the government has no choice but to enforce the package. Furthermore, the degree of severity here should not be measured by: (a) the opinion of a person regardless of whether he knows Islam or not, or whether he has conservative or liberal values. (b) Applications of Muslim countries. Rather, it should be measured by the related texts in the Holy Quraan and the Prophetic traditions and what the knowledgeable jurists deduce from them.

Reality says that the application of today's Muslim governments in relation to Islamic law is lenient compared to the application of the Law during the time of the Prophet and the Guided Caliphs, or even the following generation. This is so, perhaps, because modern governments are aware of the circumstances of the life of today, where isolation is impossible and the temptation to violate Islamic teachings is great. Therefore, the Government is obliged to do its best to balance between the required degrees of firmness and avoidance of being a cause for driving Muslims away from Islam completely.

In general, we notice that "punishment" In Islam is not meant to be a kind of revenge, but is means of discipline, *or a deterrent* to those who, would otherwise easily commit the crime. Punishments

can be classified under these categories:

1. A means of scaring away whoever thinks of committing the crime. It is so severe, but too difficult to implement. The only way to prove these crimes, is a completely willing confession to purify one's self. An example of this is the death sentence for previously married person who commits adultery.
2. A means of purification. The Prophet once commented in the case of a woman who repeatedly confessed her guilt and was sentenced to death: "She has repented a repentance which can accommodate seventy people. Is there anything better than sacrificing herself in obedience to Allah?"(1)
3. A means of discipline to remove serious threat to the community.
4. A reasonable means of dispensation.
5. A means of compensation for violating other's rights, with an opportunity to waive application of penalty.

Why Does Islam Impose Capital Punishment?

As long as the majority has chosen the Islamic package of laws the government has no alternative except to enforce it. And Allah says: {O you who believe legal retribution [in the form of capital punishment] is prescribed in case of murder: the free for the free, the slave for the slave and the female for the female. But whoever overlooks from his brother [i.e. the killer] by his brother anything, then there should a suitable follow up and payment to him [the legal representative] with good conduct.}(2) And Allah says about the grievance of the crime of killing an innocent person purposefully: {…If any one killed a person not in relation of murder or to spread mischief in the land, it would be as if he killed all mankind.}(3) Therefore, if an Islamic government implements this law, it is only doing its duty.

It is clear from the above verse that Islam preserves the rights of the party concerned and leaves the door open for forgiveness. Very often, forgiveness may come at the last moment, when the criminal

---

(1) at-Termidhi: al-Hudood.

(2) Holy Quraan, 2: 178.

(3) Holy Quraan, 5: 32.

has learned a lesson. This is fair because, even according to secular laws, a government cannot pardon the captured thief along with what he has stolen without permission of the victim.

As a matter of fact, if we look at the reaction to the September 11 incident and the punishment approved by the Security Council, Islamic capital punishment is fully justified, because it is executed only when the criminal is proven guilty beyond doubt, and he alone will receive the punishment. This is to be compared to the punishment actually carried out, which included thousands of helpless children, women and aged men who were either killed, injured or lost their shelters in the severe winter, based only on an accusation of few.

Allah says: {And there is life for you in legal retribution [i.e., capital punishment] O men of understanding, that you may become pious.}(1)

In other words, to kill one guilty person helps save the lives of many innocent people. Besides, it might also save the life of the criminal, who may otherwise commit homicide carelessly, to be killed himself afterwards, in addition to the punishment in Hell-Fire in the Hereafter.

Indeed, killing one person proven beyond doubt to be a murderer of an innocent person is more merciful than allowing a criminal, or a bunch of criminals, to kill many innocent people randomly in order to fulfill personal whims, or realize some evil interest. So Islam, by enforcing this kind of punishment, is trying to protect the lives of the innocent people and relieve them from the terror of being killed by some criminals. And this is exactly what most nations do. Even on the level of the UN, international peace cannot be maintained without punishments severe enough to maintain or restore peace, which should only be used after making sure the accused is guilty.

If the evil party uses killing and destructive means to spread evil, why can't the good party use it to combat evil and realize public interest?

Islam forbids killing the innocent and forbids terrorizing the

(1) Holy Quraan, 2: 179.

peaceful without sufficient reasons. It also forbids aggressors to occupy other people's land and to drive the original people out of their homes.

Islam also considers supporting the criminals a crime, regardless of the type of support, whether it is financial, military or the "Veto" in the Security Council. Allah says: {And help you one another in virtue, righteousness, and piety but do not help one another in sin and transgression.}([1])

What is the Punishment of Stealing a Valuable Thing?

First of all, Allah says: {As for a male thief or a female thief cut off (from the wrist joint) their hands in recompense for what they committed, as a punishment from Allah.}([2]) Therefore, if an Islamic government implements this law, it is only doing its duty.

Secondly, no government can afford not to enforce the laws chosen by the majority.

Islam protects the basic necessities of humans: his life, his mind, his property, his honor, and his faith. A Companion([3]) reported that Prophet Muhammad said on the Day of Sacrifice:([4]) "'O, you people. What is this day?' The pilgrims said: 'It is a sacred day.' He said: 'What place is this?' They said: 'It is a sacred place.' He said: 'What month is it?' They said: 'It is a sacred month.' He said: 'Your life, your properties and your honor are as sacred as this place, this month, and this day.'"([5]) Therefore, transgressing against these things on purpose and intentionally deserves severe punishment that deters criminals from committing them. And theft terrorizes the community and also may cause homicide, either to facilitate the theft or in defending one's property. However, there are very strict conditions to be fulfilled before carrying out the punishment. Therefore,

(1) Holy Quraan, 5: 2.

(2) Holy Quraan, 5: 38.

(3) A Companion is a Muslim male or a female who saw Prophet Muhammad in person.

(4) The Day of Sacrifice is the tenth day of the twelfth month according to the Islamic calendar, when pilgrims offer their sacrifices.

(5) al-Bukhari: Hajj.

this punishment is very rarely curried out, and few decades could pass without being executed.

Why Islam Imposes Punishment for Fornication?

First of all, Allah says: {The woman and the man guilty of illegal sexual intercourse flog each of them with a hundred lashes. Let not pity withhold you in their case, in a punishment prescribed by Allah; and let a party of the believers witness their punishment.}(1) Therefore, if an Islamic government implements this law, it is only doing its duty as a representative of the majority.

If we study free sexual relationship and its outcome, we find it one of the major contributors to many social problems, such as runaways, joining gangs, abandoned babies, committing crimes such as abortion, insecure marriages and weak family relations. No wonder Islam regulates sexual relationships in a way that permits a male or a female to satisfy the instinct of sex but also to shoulder responsibility for its outcome. So the community's needs are kept in balance and the individual's rights are preserved, especially the rights of the innocent infants and children. It is their right to find someone who takes care of them without putting the whole burden on the mother. It is not fair that both the male and female enjoy sexual relations and then the male walks away from it easily. In fact, those laws or resolutions calling for free sexual relations are only legalizing men's exploitation of women in the worst possible form.

Even in cases of using contraceptives, we are actually depriving females from satisfying their instinct for motherhood. Besides, the problem appears in another form; i.e. depriving the community or the nation of an essential sector of the population, the youth. The number of the aged will eventually increase while the number of the younger generation decreases. This will, certainly, have its negative social, economic impact on the nation, and affect its military capability to defend itself. In addition to that, the illegal relationship may lead to the crime of revenge because of natural jealousy.

For all these evils of free sexual relationship, Islam, which is

(1) Holy Quraan, 24: 2.

concerned about the rights of the female and the helpless children, assigns a severe punishment that may secure a healthy, productive relationship between the two sexes.

It is true that the punishment is severe, but Islam requires proofs which could be considered next to impossible, in order to leave room for the two to repent and to be covered. For example, to prove a person guilty of adultery, there has to be four witnesses who are able to describe the sex act in detail. Not only that, but to protect the woman's reputation especially, Islam assigned a severe punishment for false accusation. Allah says: {And those who accuse chaste women and do not produce four witnesses flog them with eighty lashes and reject their testimony forever.}(1)

Where is the Truth about the Death Sentence for Adulterers?

The death sentence for an adulterer who has experienced marriage life is subject to hot discussion. There are scholars who support the opinion that this punishment is still valid. Their evidence is that the Prophet executed this rule in case of Ma'ez al-Aslami,(2) the Ghaamidi woman,(3) the Juhani woman,(4) and Shuraahah.(5) Also, the Prophet said: "the adulterer [who had experienced marriage] deserves one hundred lashes and death sentence by stoning."(6) Umar the second Caliph said that the verse, which imposed this rule, has been removed from the Holy Quraan, but not the ruling.(7)

There are others who said that this ruling of punishment is only to scare off a person from committing adultery because adultery was so widely spread at the advent of Islam. So there was a need to stop it by announcing a very severe punishment, but it was not originally to be executed. This group summarizes its arguments in

(1) Holy Quraan, 24: 4.
(2) ibn Maajah: al-Hudood.
(3) Imam Ahmad: Bagi Musnad al-Ansar.
(4) Imam Ahmad: Musnad al-Basryeen.
(5) Imam Ahmad: al-Asharah al-Mubashareen bil Jannah.
(6) Muslim: al-Hudood.
(7) al-Bukhari: al-Hudood.

the following points:

1. Islam made it very difficult, actually next to impossible, to prove adultery, by requiring four witnesses seeing the actual intercourse taking place in a way that is impossible under normal circumstances. Not only that, but it also threatened anyone who slandered a chaste man or woman by accusing him or her of adultery to be lashed eighty lashes.(1) It also gave the accused wife a chance to clear herself of this guilt only by giving four testimonies swearing by Allah that the accusation is false and a fifth oath that that the wrath of Allah be upon her if the accusing husband was truthful.(2)
2. All cases during the Prophet's time were executed based on a willful confession, and the Prophet (pbuh) desperately tried to avoid the need for applying the ruling. To take the example of Ma'ez, the Prophet turned away from him four times on different days, he asked the man's folks about his mental situation and tried, through embarrassing questions, to dissuade him. Finally, when the Prophet was told that Ma'ez ran away during the execution of the judgment of stoning and they followed him, he said: 'Why did you not leave him alone?'

Concerning the Ghamidi woman, the Prophet kept delaying her punishment, hoping she would not come back and would refrain from confession again. She kept insisting till he told her, the last time, to come back after she completed breast-feeding her child; i.e. a two-years delay.

3. One person cannot commit adultery. Yet, in all cases except one the Prophet did not make any effort to find out who was the other party to be punished. The only case is when the husband took compensation from his wife's partner, and the case was presented before the Prophet.
4. The evidences of abrogation of the ruling is stronger because: (a) There was another ruling for a wife who commits adultery that was not stricken out of the Holy Quraan but the ruling was

(1) Holy Quraan 24: 4.

(2) Holy Quraan 24: 6-9.

abrogated. (b) Therefore, if the verse was removed from the Holy Quraan, as claimed by some, the ruling must have been abrogated too.

In fact, the warning of very severe punishment is found in other cases, such as cursing those who are involved in usury, a woman who uses tattoos or tattoos others.[1] Here, cursing does not mean praying for the person to be deprived from the mercy of Allah, but is used as an intensified warning.

This kind of regulation is familiar even in the man made law. For example, some states in the USA assign a fine of five hundred dollars for littering on highways.

In general, when we look carefully at these forms of punishments, we notice that they concentrate on the public's rights. For whoever practices sex in a way that four people can describe up to the details is not only violating the honor of his or her legal partner or blood relatives, but offends and challenges public morals as well.

Does a Person Deserve the Death Sentence for Apostasy?

As we mentioned earlier, there is no compulsion in religion, but when a person chooses Islam willingly, he is signing a life long bond with Allah. Therefore, some Muslim scholars justify the Prophet's saying: "Whoever changes his religion kill him."[2] This is in a way similar to a person who agrees to become a citizen of a country, which implements capital punishment for certain crimes. The agreement is binding on all parties, and no party can break from it without the consent of the other party. Furthermore, this ruling came when there were no sufficient records for the citizens, and the only way to distinguish between the different categories was religion.[3] It was easy for the Muslims' enemies to change their religion back and forth to create confusion among Muslims and to lure them into disbelief. So, there was a need to close this door, at least by declaring

(1) for example al-Bukhari: the dealings.

(2) al-Bukhari: al-Jihad.

(3) Islam experienced in Medina's political entity the religious and race multiplicity fourteen centuries ago.

a severe punishment for those who did that.

Religion was a major form of identity; it imposes duties and grants privileges, which could be misused. The Islamic state, as any other state, does not allow people to play with the law or to exploit the national identity. As an example of exploitation of the Islamic identity the Holy Quraan reads: {A section of the people of the Book say: "Believe in the morning what is revealed to the Believers, But reject it at the end of the day: perchance they may themselves turn back.}[1] It could also be added that Islam is the latest version of the Divine religion, and for a Muslim to turn back to Christianity, as an example, or Judaism is reverting, but the other way around is a kind of advancement.

However, Muslim scholars have differed on the nature of this ruling, whether it is for literal implementation or whether it was only a threat, especially because of the following:

1. There is no agreement about applying that to females.

2. There is agreement about the necessity of the opportunity for repentance, but there is disagreement about its duration. In fact, some scholars are convinced that it is a life long opportunity because Allah says: {And whoever of you reverts from his religion (to disbelief) and dies while he is a disbeliever – for those, their deeds have become worthless in this world and the Hereafter…}[2] Also because the Prophet said that deeds are bound to their endings.[3] The prophet said, too: "Allah accepts the repentance of his servant up to his last breath."[4] In another Prophetic tradition, capital punishment is tied up with taking a hostile position against Islam along with apostasy.[5] Above all, Islam did not come to hasten the death of people to deprive them of the late chance of accepting Islam or repenting, but to grant them the maximum chance to do that.

(1) Holy Quraan 3: 72.

(2) Holy Quraan, 2: 217. see Saheeh International translation.

(3) al-Bukhari: ar-Riqaq; see also Ismaeel pp. 54-55; and see Chapter 2: 217, Ahmad: sanadul mukthreen minas sahabah.

(4) Ahmad: sanadul mukthreen minas sahabah.

(5) al-Nisaee: tahreem addum.

CONCLUSION

Islam is a set of beliefs, rituals of worship, laws, and moral values covering all aspects of life. It is the last version of the Divine message, which was revealed by Allah, and it is a complete system, composed of harmonious parts. It includes the basics of the best way to behave with the Creator of the Universe, and to deal among the creatures.

From the previous chapters the following should be clear:

First. Islam means to submit to only one God, Allah, and this life is, only a field for Life in the Hereafter. We reap a small portion of the harvest in this life, but what counts is what we reap in the eternal life. It is the religion that Adam preached, the other messengers of God preached. Finally, Muhammad, the seal of the messengers preached (May peace and blessings of Allah be upon them all). Allah made Islamic law qualified to be an efficient law until the Day of Judgment.

Second. Al-qadar or “fate” is only a perfect and an accurate record for any thing that occurs in the universe, pre recorded from the knowledge of Allah that is not restricted by the factors of time, place or limited senses.

Jihad is derived from the Arabic word, which means to resist, not to initiate attack or war. And from the Islamic point of view, it is impossible that the All Wise God would legislate an international law that would give the aggressive nations the power to impose their ideologies upon the peaceful weaker nations.

Third. Islam encourages Muslims to care for others as much as they care for themselves, and share the Islamic way of success in this life and in the Hereafter with others, but without compelling anyone.

Forth. Because Islam is a realistic religion, comprehensive in perspective, it considers freedom a relative thing, and only relative equality can be equivalent to justice. Islam has no preference for the hereditary or the elective political system, as long as the government submits to the

Will of Allah represented by the Holy Quraan and the Prophetic traditions.

Islam considers the differences between people a necessity. Also it acknowledges the countless similarities and mutual benefits to be shared, and interests. These facts impose cooperation to achieve happiness for all, at least in this temporary life. No wonder Islam experienced multiplicity in its first political unit in Medina, for it was a confederation, composed of different races and different religions.

Fifth. Islam made women and men indispensable, and complementary to each other. They are like the day, which is composed of two indispensable parts: nighttime and daytime. It instituted marriage as the only way to secure the best and fullest form of cooperation and coordination between unrelated men and women.

Sixth. Islam distinguishes between two kinds of terrorism: the offensive and the defensive. The Holy Quraan, encourages defensive "terrorism", only when necessary. This is manifested in the stories of the struggle of Prophet Muhammad with the hostile reactions against him and his message, as well as his tolerance of the harassment of his enemies for about fourteen years until he was finally granted permission to defend himself.

Seventh. A wise person recognizes that the word "extreme" has relative meanings. What could be extreme to one person might be lenient to another. Even in the same country, it changes from time to time. It is true that Islam is very firm with some crimes and has assigned severe punishments for them, but it also made it clear that these punishments should not be applied without unchallengeable evidences. If a Muslim government applies the laws that its majority has chosen, then it is natural.

By reviewing human experience with law making we can conclude that in many fields, Islamic law is more appropriate in preserving human rights and in balancing between the diversified and contradictory rights; i.e. between reality and fantasy, between individuals and groups and between the demands of this temporary life and the demands of Eternal Life.

june 7, 2012

Arabic References

١. القرآن الكريم.

٢. الكتاب المقدس،: كتب العهد القديم والعهد الجديد (دار الكتاب المقدس في الشرق الأوسط ١٩٦٤.

٣. ابن القيم، زاد المعاد في هدي خير العباد (بيروت: مؤسسة الرسالة ١٣٩٩).

٤. ابن منظور، جمال الدين محمد مكرم، لسان العرب (بيروت: دار صادر ١٩٩٠).

٥. أبو يوسف، يعقوب ابن إبراهيم، كتاب الخراج (القاهرة:-_).

٦. أسد، محمد منهاج الإسلام في الحكم، ترجمة منصور محمد ماضي (بيروت: دار العلم للملايين) ط١ ١٩٥٧.

٧. إسماعيل، سعيد، كشف الغيوم عن القضاء والقدر (المدينة المنورة: المؤلف ١٤١٧).

٨. البستاني، بطرس، محيط المحيط (________________).

٩. باحارث، عدنان حسن صالح، مسؤولية الأب المسلم في تربية الولد في مرحلة الطفولة (جدة: دار المجتمع للنشر والتوزيع ١٤١٠).

١٠. بن حميد، صالح عبد الله، تلبيس مردود (مكة المكرمة: مكتبة المنارة ١٤١٢).

١١. الجادر، عادل حامد، أثر قوانين الانتداب البريطاني في إقامة الوطن القومي اليهودي في فلسطين (بغداد: مركز الدراسات الفلسطينية، جامعة بغداد، وزارة التعليم العالي والبحث العلمي ١٩٧٦).

١٢. الحراني، عبد السلام بن عبد الله بن أبي القاسم بن تيمية، المحرر في الفقه على مذهب الإمام أحمد بن حنبل ١٤٠٤ (الرياض: مكتبة المعارف ١٤٠٤).

١٣. حميد الله، محمد، مجموعة الوثائق السياسية للعهد النبوي والخلافة الراشدة (بيروت: --- ١٩٦٩).

١٤. الحنفي، زين الدين ابن نجيم، البحر الرائق شرح كنز الدقائق ط٢ (بيروت: دار المعرفة ---)

١٥. دار المشرق، المنجد في اللغة (بيروت: دار المشرق ١٩٩٦).

١٦. الدواليبي، محمد معروف، حقوق الإنسان ودعوة الإسلام إلى العناية بها. (مكة المكرمة: رابطة العالم الإسلامي _____).

١٧. دورويـن، كارل فـان، ترجمة محمد مأمـون نجا، التجربـة الدستورية الكبرى في الولايات المتحدة (القاهرة: دار النهضة العربية ١٩٤٨).

١٨. رابطـة العالم الإسلامي، المجمع الفقهـي، بيان مكة المكرمة (مكة المكرمة: رابطة العالم الإسلامي ١٤٢٢هـ).

١٩. رابطـة العالم الإسلامي، ندوات علمية في الرياض، والفاتيكان، ومجلس الكنائس العالمـي في جنيـف، والمجلـس الأروبـي في ستراسبورغ حـول الشريعـة الإسلامية وحقوق الإنسان (مكة المكرمة: رابطة العالم الإسلامي ـــــ).

٢٠. الريسـوني، أحمـد، نظرية المقاصد عنـد الإمام الشاطبي (هيرنـدن: فيرجينيا: المعهد العالمي للفكر الإسلامي ١٤٠١هـ

٢١. زقـزوق، محمـود حمدي، مشـرف ومقدم، حقائـق الإسلام في مواجهـة شبهات المشككـين (القاهرة: المجلس الأعلى للشئون الإسلامية، وزارة الأوقاف، جمهورية مصر العربية ١٤٢٣).

٢٢. الشيرازي، إبراهيم بن علي بن يوسف أبو إسحاق، المهذب في فقه الإمام الشافعي، بيروت: دار الفكر---).

٢٣. الصـاوي، صـلاح، تهافت العالمانيـة في مناظرة نقابـة المهندسـين بالإسكندرية (القاهرة: الآفاق الدولية للإعلام ١٤١٣).

٢٤. صينـي، سعيـد إسماعيل، حقيقة العلاقـة بين المسلمين وغـير المسلمين (بيروت: مؤسسة الرسالة ١٤٢٠).

٢٥. صينـي، سعيد إسماعيل، الإسـلام والحوار بين الحضارات بحـث مقدم في ندوة «الحوار بين الحضارات من أجل التعايش»

٢٦. المنعقد في دمشق بين الفترة بين ١٨-٢٠/٥/٢٠٠٢ م .

٢٧. صينـي، سعيـد إسماعيـل، الإسـلام والتنشئـة السياسيـة والوقايـة مـن العنف والتطـرف، بحث مقدم للمؤتمر الثاني حول دور العلـوم الاجتماعية والصحية في تنمية المجتمع المنعقد في الكويت بين ١٨-٢٠ سبتمبر ٢٠٠٣.

٢٨. صيني، الخطاب الإسلامي بين الخطـاب الإسلامي بين الرفض والتسليم، مقدم للمؤتمـر السنوي الثامن لرابطة العالم الإسلامـي المنعقد في الفترة بين ٥-٧ ذي الحجة ١٤٢٨ للهجرة.

٢٩. صينـي، سعيد إسماعيل، الإنسان والقضاء والقـدر، في مجلة الحكمة العدد: ٣٣،

جمادى الثاني ١٤٢٧هـ ص ٤٢٣-٤٥٦.

٣٠. عبد الكافي، إسماعيل عبد الفتاح، حقوق المرأة في الإسلام (مكة: رابطة العالم الإسلامي ______).

٣١. عرفة، محمد عبد الله بن سليمان، حقوق المرأة في الإسلام (القاهرة: مطبعة المدني ١٣٩٨).

٣٢. العقاد، عباس محمود، عبقرية عمر (القاهرة: دار الهلال _____).

٣٣. العناني، حنان عبد الحميد، تربية الطفل في الإسلام (عمان: دار صفاء للنشر والتوزيع ١٤٢١).

٣٤. العوا، محمد سليم، في النظام السياسي للدعوة الإسلامية ط٧ (القاهرة: دار الشروق ١٩٨٩). ط١ ١٩٧٥.

٣٥. القاسم، عبد الرحمن عبد العزيز، الإسلام وتقنين الأحكام (المؤلف ١٣٩٧).

٣٦. القاضي، أحمد بن عبد الرحمن، الحوار مع أتباع الأديان الأخرى (مكة المكرمة: رابطة العالم الإسلامي ١٤٢٣هـ).

٣٧. محيسن، محمد محمد محمد سالم، حقوق الإنسان في الإسلام (المؤلف ١٤١٢هـ).

٣٨. المساري، محمد العربي، الاعتذار عن الماضي كصيغة لتوطيد التعايش والحوار، مقدم في الندوة الدولية بعنوان «الحوار بين الحضارات من أجل التعايش» المنعقد في دمشق في الفترة بين ١٨-٢٠ مايو ٢٠٠٠ بإشراف منظمة إيسيسكو ووزارة التربية السورية.

٣٩. مسلم، أبي الحسين مسلم بن الحجاج القشيري النيسابوري، صحيح مسلم، تحقيق محمد فؤاد عبد الباقي دار إحياء الكتب العربية ١٣٧٤).

٤٠. المقدسي، عبد الله بن قدامة أبو محمد، الكافي في فقه الإمام المبجل أحمد بن حنبل (بيروت: المكتب الاسلامي ---).

٤١. الميداني، عبد الرحمن حبنكة، أجوبة الأسئلة التشكيكية الموجهة من قبل إحدى المؤسسات التبشيرية العاملة تحت تنظيم الآباء البيض (مكة المكرمة: مكتبة المنارة ١٤١٢).

٤٢. الناصر، محمد حامد، خولة عبد القادر درويش، تربية الأطفال في رحاب الإسلام في البيت والروضة (جدة: مكتبة السوادي للتوزيع ١٤١٥هـ).

٤٣. هارون، عبد السلام، تهذيب سيرة ابن هشام ط٥ (الكويت: دار البحوث العلمية ١٩٧

English References:

1. Abdal Ati, Hammoodah, Islam in Focus Riyadh: WAMY ---.
2. Al-Tantawi, Ali, Brief Introduction to Islam, Jeddah: Dar Almanara 3rd. ed. 2000.
3. Bulletin, Beaurue of Justice Statistics, Department of Justice, USA, Feb 1996.
4. Good News Bible: Today's English Version, Nashville: Thomas Nelson Publishers 1992.
5. Ismaeel, Saeed, Fate: Al-Qada Wal Qadar, Toronto, Canada: Al-Attique Publishers, Inc. 2000.
6. Ismaeel, Saeed, Pre Recording Not Fate or Predestination 1997.
7. Ismaeel, Saeed, The Relationship Between Muslims and Non-Muslims, Toronto: 2nd ed. Al Attique International Islamic Publications. 2000.
8. Jeffries, N., Palestine: The Reality, London: Longmans 1988.
9. Kutub, Muhammad, Islam: the Misunderstood Religion --- International Islamic Federation of Student Organizations 1982.
10. Maududi, S. Abul A'la, Fundamentals of Islam, Lahore, Pakistan: Islamic Publications Ltd. 5th ed. 1980.
11. Naik, Zakir abdul Karim, Answers to Non-Muslims Common Questions about Islam, Islamic Research Foundation wwwirf.net.
12. Naik, Zakir Abdul Karim, Answers to Non-Muslims' Common Questions about Islam ---Islamic Research Foundation ---.
13. Saheeh International, The Qur'an: Arabic Text with Corresponding English meanings, Riyadh: Abulqasim Publishing House 1997.
14. Shanker, Thom and David E. Sanger, White House Wants to Bury Pact Banning Tests of Nuclear Arms, New York Times July 7, 2001.
15. Sieny, Saeed I., Creation of Man and Fate, a paper presented to the Conference on Cultures and Philosophies at St. Petersburg, S. S. U. between 712- September 2002.
16. Sieny, Saeed I., Muslim And non-Muslim Relation 2nd ed., Medina: Darul Fajr Bookstore 2005.

17. Sieny, Saeed I., Muslim and non-Muslim Relations, Medina: Darul Fajr Bookstore 2005.
18. Tabbarah, Afif A., The Spirit of Islam: Doctrine and Teachings, The author 1978.
19. The Arab American News 26 January 1996.

About the Book:

This book presents a broad perspective of Islam: its sources, beliefs, rituals, laws and moral values. It also tries to answer the most frequently asked questions about Islamic teachings.

This book aims at introducing the reality of Muslims' religion to facilitate building a better relationship between Muslims and non-Muslims, especially when both groups are citizens of the same nation. The Prophet of Islam (pbuh) said: "Spirits are recruited soldiers. Whoever of them comes to know each other become friends, and who remain strangers to each others are likely to differ."(al-Bukhari: Hadeeth al-Anbiaa.)

About the Author:

The author, in writing this book, depends on his multi-faceted experience in life and learning. He taught, conducted researches, authored books or presented papers in seminars and conferences on topics such as: social or political sciences, research methods, mass or persuasive communication, education, translation, dialogue, comparative religion and Islamic studies.

He has noticed in his travels and stay among non-Muslims that the pure, natural disposition of man controls the general dealings among people. Therefore, he loves everyone who does not cause harm to others and is ready to help them acquire comprehensive happiness.

Notes

Notes

Notes

Notes

تساؤلات جدلية

إنجليزي

يطلب من:
مكتبة دار الفجر الإسلامية
ص. ب. ٣٨٤٨ المدينة المنورة، ناسوخ: ٩٦٦٤٨٢٦٦٧٥٢+
دار الهديان للنشر والتوزيع
ص. ب. ١٥٠٣١ الرياض: ١١٤٤٤، ناسوخ: ٩٦٦٤٨٢٦٦٧٥٢+
AL-ATTIQUE PUBLISHERS INC. CANADA
Tel.: (+1) 416-615-1222, & 416-566-0404
Al-attique@al-attique.com